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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 577 of 1992.

Date of decision is June 24, 1994.

Rajayya Bosi ...

Applicant.

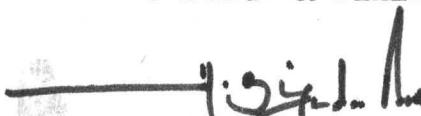
versus

Union of India and others ...

Respondents.

( FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? Yes

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

24 JUN 94.

  
K. P. ACHARYA  
VICE-CHAIRMAN.

24.6.94

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Respondents.

For the applicant ...

M/s. P. V. Ramdas,  
B. K. Panda, D. N. Mohapatra,  
P. V. Balakrishna, Advocates.

For the respondents ...

Mr. Ashok Mishra,  
Sr. Standing Counsel (Central)

CORAM:

THE HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN.

A N D

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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OR D E R

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to issue a direction to the respondents to allow the applicant for the post of Asst. Superintendent of Post Offices from 1984 when his juniors were given promotion after the order of confirmation is passed in his favour in the post of Inspector of Post Offices.

2. Shortly stated, the case of the applicant, Shri Rajayya Bosi is that during his service rendered to the Postal Department certain disciplinary proceedings were initiated against him and ultimately all those disciplinary

proceedings ended in favour of the applicant as those were all quashed by this Bench. By the time the proceedings were initiated the case of the applicant though considered for confirmation, it was not so done in favour of the applicant because of the pendency of the proceedings. After the proceedings concluded in favour of the applicant being quashed by this Bench, the case of the applicant is not being taken up for reconsideration on the question of being confirmed and necessarily the promotions which were due to him they have not been given to him though his juniors were promoted. Due to such circumstances, this application has been filed with the aforesaid prayer.



3. In their counter, the respondents maintained that the representations of the applicant having been rejected by the Director General, vide Annexure-5 no further action was necessitated to be taken in favour of the applicant and since he was not confirmed in the post of Inspector of Post Offices the question of consideration of the case of the applicant for promotion does not arise. Hence, the case being devoid of merit is liable to be rejected.

4. We have heard Mr. P. V. Ramdas, learned counsel for the applicant and Mr. Ashok Kumar Misra, learned ~~Mr.~~ Sr. Standing Counsel (Central) for the respondents.

5. The fact that all the disciplinary proceedings which had been instituted against the applicant have been quashed by this Bench and there was no dispute

presented before us <sup>and</sup> that there remains a clean slate in favour of the applicant as the dirty linen, if any, have been completely washed away. Law is well settled that once dirty linen <sup>is</sup> washed away and quashed, the case of the Government employee should be reconsidered for confirmation/promotion. This settled position of law was rightly and fairly not disputed at the Bar.

6. In view of the aforesaid facts and circumstances especially the fact that the disciplinary proceedings have been quashed and the applicant has been exonerated from all the charges levelled against him in respect of the proceedings, no dirty linen exists against the applicant and therefore, his case should be reconsidered for confirmation in the post of Inspector of Post Offices and in case he is found suitable his case should be further considered for promotion to the next higher posts to which he is entitled to according to rules and in case he is found suitable, promotion should be given to the applicant with effect from the date from which his juniors have been promoted. In case, the applicant is given promotion, he would be entitled to all back wages because law is well settled in a plethora of judicial pronouncements made by the Apex Court. In a recent decision reported in AIR 1991 SC 2010 (Union of India etc. versus K. V. Jankiraman etc. ) it has been observed that when a particular officer although he is willing to work is kept away from work by the authorities for no fault of his, he is entitled to



back wages. Here is a case where Shri Rajayya Bosi has not remained out of the work on his own volition but his case has not been considered. Therefore, he is entitled to back wages provided that he is found to be suitable for promotion. In case, he is promoted back wages must be calculated and paid to him within 60 days from the date of ~~receipt~~ <sup>promotion</sup> of a copy of this order. The case of the applicant for confirmation and for promotion (after confirmation) should also be finalised within 60 days from the date of receipt of a copy of this judgment.

7. Thus, this application stands allowed. No costs.

MEMBER (ADMINISTRATIVE)

24 JUN 94



**VICE-CHAIRMAN**

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
June 24, 1994/Sarangi.