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O.A.NO. 224 OF 2005

Order dated 5.7.2006

In this case the applicant has claimed Time Bound One Promotion (TBOP). There is no dispute that the applicant became eligible to get TBOP on and from 18.6.1995 after completion of 16 years of service. But from the records, it has transpired that the applicant was under suspension in contemplation of initiation of a departmental proceeding. Subsequently, the suspension was revoked and the suspension period from 22.2.1994 to 14.8.1997 was regularized by virtue of an order dated 18.2.1997 passed by this Tribunal in OA No. 206 of 1996.

2. Shri R.C.Behera, learned Additional Standing Counsel appearing for the Respondents, has submitted that the applicant's case for grant of TBOP could not be considered for non-availability of members of the DPC.

3. In this case the applicant was visited with a minor punishment of reduction of pay by two stages for a period of two years with effect from 1.5.1999. The sole question, which survives for our consideration, is whether the imposition of this punishment, after the applicant became eligible to get TBOP, has precluded him from being considered for grant of such promotion. It is found from the records that the applicant became eligible to be considered for TBOP from 18.6.1995. But due to non-availability of the

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members of the DPC, the DPC could not meet and proceedings could not be drawn up. In the meantime, certain developments had taken place by which the applicant was kept under suspension in contemplation of initiation of disciplinary proceeding which culminated in the imposition of punishment of reduction of the applicant's pay by two stages for two years. This punishment is a minor punishment. But here it is to be noted that when the applicant became eligible to be considered for TBOP, there was no disciplinary proceeding pending against him. In this view of the matter, we hereby direct the Respondent-authorities to hold a Review DPC and consider the applicant's case for grant of TBOP when he became eligible, i.e., on 18.6.1995. This exercise be completed within three weeks from the date of receipt of this order.

4. With the above observation and direction, the O.A. is disposed of. No costs.

  
(B.B.MISHRA)  
MEMBER(A)

  
(B.PANIGRAHI)  
CHAIRMAN