

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 729 of 1996

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr. M.K. Mishra, Administrative Member

Ramesh Kumar

-VS-

Eastern Railway

For the Applicant : Mr. S.K. Dutta, Counsel

For the Respondents: Mr. P.K. Arora, Counsel

Date of Order : 07-12-2004

ORDER (ORAL)

MR. MUKESH KR. GUPTA, JM

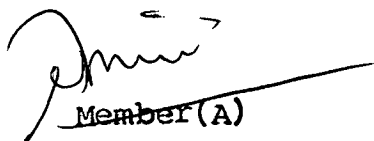
In this application, the applicant has challenged non-grant of Jr. Administrative Grade on regular basis w.e.f. 4-12-1990 as well as seeking direction to give the selection grade w.e.f. 1-7-1994 with consequential benefits. The facts stated are that the applicant was initially appointed through U.P.S.C. on 1-4-1982 and posted as Assistant Engineer, Eastern Railway. A major penalty charge sheet dated 5-2-1990 was issued alleging certain mis-conduct in the year 1986-87² the same was denied. An oral enquiry was held and the applicant, who was due for Jr. Administrative Grade, was denied on the ground of pendency of the aforesaid disciplinary proceedings. It is stated that the said proceedings ultimately culminated into reduction of lower stage for a period of one year with cumulative effect. The applicant's grievance in the present case is that his batchmates have been granted Jr. Administrative Grade as well as selection grade w.e.f. 4-12-1990 and 1-7-1994 respectively which have been denied to the applicant.

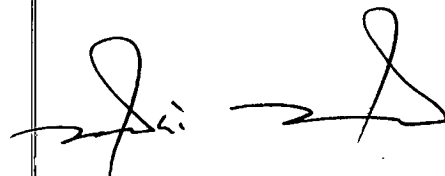
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2. The respondents in their reply have contended that the applicant was considered in the panel approved on 1-12-1990, 28-12-1991, 2-8-1993, 30-5-1994 and 12-8-1995 and since he was facing the departmental proceedings, recommendations and findings of the said DPC were kept in sealed cover. Since penalty was inflicted on the applicant, he lost his jr. administrative grade as well as selection grade which was granted to his juniors. Mr. S.K. Dutta, Id. Counsel appearing for the applicant states that the said penalty has been the subject matter before this Tribunal in O.A. 1402 of 1997, awaiting decision.

3. We have heard Id. Counsel for both the parties and perused the pleadings. Since it is admitted fact that the charge-memo issued on 5-2-1990 culminated into a major penalty, and the DPC considered the case of the applicant for grant of jr. administrative grade as well as selection grade and adopted the sealed cover procedure, he has rightly been denied the said grades.

If the said penalty imposed upon the applicant is ultimately quashed and set aside and the applicant is found to be recommended for the jr. administrative grade, he would be entitled to the benefits; otherwise not. Accordingly, the present application is disposed of and it will abide by the result of the aforesaid O.A. as well as the observations made hereinabove.


Member(A)


Member(J)