

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 1016/1996

Calcutta, this the 13th day of January, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S. Biswas, Member (A)

Shri Pradip Kumar Roy
Son of Late Narasingha Chandra Roy,
working as Ar. Winder (Gr. III),
T/No. 23.153, Finishing Section,
Chittaranjan Locomotive Works,
Chittaranjan Distt. Burdwan and
resident of Qr. No. 48 D, Street No. 37,
Chittaranjan Distt. Burdwan.

..Applicant

(By Advocate Mr. P. K. Munsri)

VERSUS

1. Union of India, through the
General Manager, Chittaranjan
Locomotive Works, PO Chittaranjan
Distt. Burdwan
2. Chief Personnel Officer,
Chittaranjan Locomotive Works,
P.O. Chittaranjan, Distt. Burdwan
3. Dy. Chief Personnel Officer
Chittaranjan Locomotive Works
P.O. Chittaranjan, Distt. Burdwan
4. Sr. Electrical Engineer/TM-1,
Chittaranjan Locomotive Works
P.O. Chittaranjan, Distt. Burdwan

.. Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

The applicant is aggrieved by the letter issued by the respondents dated 26.7.1996 on the subject of promotion ^{to} Gr. II Ar. Winder. The relevant portion of the impugned letter dated 26.7.1996 reads as follows:-

" Reference above, it is stated that since you have involved in a criminal case, your suitability for promotion for the post of Gr. II Ar. Winder cannot be finalised at this stage".


Learned counsel has drawn our attention to Para 9(vii) of the reply filed by the respondents dated 13.2.1997, in which, they have, inter-alia, stated that the question of giving ad-hoc promotion to the employee may only be considered if the criminal prosecution pending against him is not concluded even after the expiry of two years from the date of preparation of suitability list, in terms of Para 5 of the Railway Board's letter dated 21.1.1993. He has submitted that the criminal case, in question was pending against the applicant for more than six years. He has, therefore, prayed that in terms of the respondents' own averments in their reply, the OA may be disposed of with a direction to the respondents to consider the applicant's claim for promotion on ad-hoc basis in accordance with the aforesaid order of the Railway Board.

3. In the above facts and circumstances of the case, and having regard to the averments made by the respondents themselves in their reply, the OA is disposed of with the following directions:-

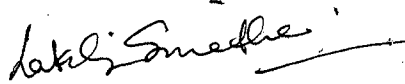
(1) The impugned letter issued by the respondents dated 26.7.1992 is quashed and set aside;

(2) The respondents shall consider the claim of the applicant for promotion to the post of AR Winder Gr.II on ad hoc basis in accordance with the relevant law, rules and instructions. This shall be done within a period of three months from the date of receipt of a copy of this order.

No order as to costs.


(S. Biswas)

Member (A)


(Smt. Lakshmi Swaminathan)

Vice Chairman (J)

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