

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR.

O.A. No. : 256/1997

Date of Order : 15.3.2000

Kishan Lal Sohanwal, aged about 45 years, S/o Shri Hukma Ramji, resident of Quarter No. L-264/B, D.S. Colony, Northern Railway, Jodhpur. Presently working as Senior Cashier, in the office of Divisional Cashier, Northern Railway, Jodhpur.

..Applicant.

Versus

- 1. The Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
- 2. The Financial Advisor & Chief Accounts Officer, Northern Railway, Baroda House, New Delhi.
- 3. The Chief Cashier (SG), Northern Railway, Opposite Plateform No. 10-11, Multi storeyed Building, New Delhi Rly. Station, New Delhi.
- 4. The Divisional Cashier, Northern Railway, Jodhpur.

..Respondents.

Mr. J.K. Kaushik, counsel for the applicant.

Mr. R.K. Soni, counsel for respondents No. 1 to 4.

CORAM :

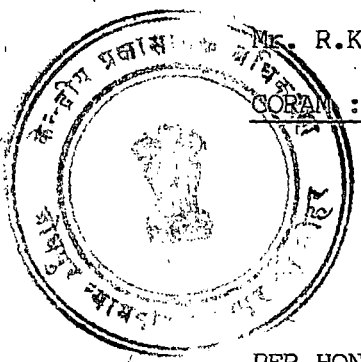
Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. JUSTICE B.S. RAIKOTE :

This application is filed with the prayer for quashing the order dated 18.2.1997 at Annexure A/1 and for a direction to the respondents to grant the ad-hoc promotion to the applicant on the post of Divisional Cashier (D.C.)

2. From the facts of the case, it is seen that a criminal case under Section 120-B read with Section 420, 471 of Indian Penal Code and Section Section 5(2) read with Section 5(1)(b) of the Prevention of Corruption



Act, 1947, registered by the Central Bureau of Investigation is still pending against the applicant. In an earlier OA No. 450/1991, the applicant had approached this Tribunal. The application was disposed of by this Tribunal vide order dated 12.5.1993. In the said judgement, this Tribunal directed as under :-

"The respondents shall, however, permit the applicant to appear in any promotion test that is held before the decision in the criminal case if he is otherwise eligible, and keep the result in sealed cover till final decision in the criminal case.

From this, it follows that the applicant was permitted to appear in a promotion test and the result of such test was to be kept in sealed cover till the final decision of the criminal case. It is admitted at the Bar that the criminal case is still pending in the Court. Whether the applicant would be entitled to promotion or not would be dependent on the result which is kept in the sealed cover. It is admitted that his next promotion is a selection post and unless the applicant qualifies for the selection as per result, he would not be entitled for adhoc promotion. Even though the impugned order does not give sufficient reasons except saying that the matter is subjudice, but having gone through the entire record, we find that unless the sealed cover is opened, the applicant would not be entitled to any promotion adhoc or otherwise. Therefore, in the circumstances, we pass the order as under :-

The application is dismissed with no order as to costs.

Gopal Singh
 (GOPAL SINGH)
 MEMBER (A)

RRR
 (B.S. RAIKOTE)
 VICE CHAIRMAN

