

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 72/99

Tuesday the 3rd day of August 1999.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K.Ravikumar
Mailman
Sub Record Office
RMS 'TV' Division
Kayamkulam,

...Applicant.

(By advocate Mr O.V.Radhakrishnan)

Versus

1. Senior Superintendent
RMS 'TV' Division
Thiruvananthapuram.
2. Chief Postmaster General
Kerala Circle
Thiruvananthapuram.
3. Union of India
represented by its Secretary
Ministry of Communications
New Delhi.

...Respondents.

(By advocate Ms.Rajeswari A, ACGSC)

The application having been heard on 3rd August 1999, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The grievance of the applicant is that on account of pendency of a disciplinary proceeding initiated against the applicant as per Annexure A-1 memo of charges dated 5.8.94, applicant is not being promoted to the post of Sorting Assistant inspite of his success in the competitive examination result of which was published on 27.7.97. It is stated that the proceedings have been unnecessarily delayed just for the purpose of harassing the applicant and for denying him the promotion. In reply to the representation made by the applicant claiming promotion, he was told by order dated 30.3.98 that his case for promotion would be considered only on finalisation of the

disciplinary proceedings pending against him. Therefore, the applicant filed this application seeking to have Annexure A-6 memo set aside and for a direction to the respondents to promote the applicant to the post of Sorting Assistant with effect from the date of his entitlement with consequential benefits.

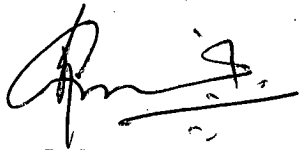
2. Respondents in their reply statement stated that the disciplinary proceedings could not be completed for valid reasons and not on account of any intention of the respondents to protract the proceedings. They also contend that the promotion of the applicant can be considered only after completion of the disciplinary proceedings.

3. When the application came up for final hearing on date, learned counsel for applicant stated that the departmental disciplinary proceedings were coming to a close as the enquiry report had been received and a copy of the report had been given to the applicant for making a representation and that on receipt of the representation, the final order would be passed without any further delay. The counsel further stated that the case of the applicant for promotion would be considered immediately on finalisation of the disciplinary proceedings.

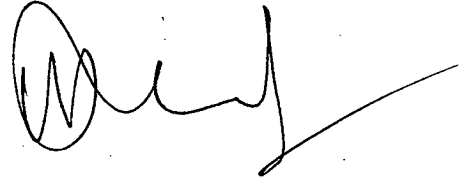
4. In the light of what is stated above, the application is disposed of directing the respondents to pass a final order on the disciplinary proceedings pending against the applicant as expeditiously as possible at any rate within a period of two months from the date of receipt of a copy of this order. We further direct that the case of the applicant for promotion to the post of Sorting Assistant shall then be considered in accordance with law and in the light of the decision taken in the disciplinary proceedings within a

period of one month thereafter. There is no order as to costs.

Dated 3rd August 1999.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A. V. HARIDASAN
VICE CHAIRMAN

aa.

Annexures referred to in this order:

- A-1: True copy of the memorandum No.BII/1/19/Disc-24 dated 5.8.94 of the 1st respondent.
- A-6: True copy of the letter No.B.46(a) dated 13.4.98 of the first respondent.