

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 371 of 1995.

Wednesday this the 17th day of July 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

C.C. Ahmed Aslam,
Assistant Engineer,
Electrical/Mechanical
Military Engineer Services,
Office of Chief Engineer (Navy),
Naval Base (P.O.),
Kochi- 4.

.. Applicant

(By Advocate Shri P.K. Madhusoodhanan)

Vs.

1. The Chief Engineer,
Dakshin Kammand Mukhyalaya
Abhiyanta Shakha,
Headquarters, Southern Command,
Pune - 411 001.

2. The Chief Engineer (Navy),
Military Engineer Services,
Naval Base (P.O.),
Kochi - 4.

3. Engineer - in - Chief,
Army Headquarters,
Defence Headquarters (P.O.),
New Delhi - 1.

4. Union of India represented by
its Secretary,
Ministry of Defence,
New Delhi.

.. Respondents

(By Advocate Shri Shafiq Por Mr. TPM Ibrahim Khan, SCGSC)

The application having been heard on 17th July 1996,
the Tribunal on the same day delivered the following:

....2/-

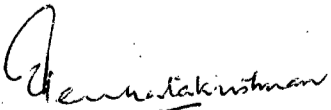
O R D E R

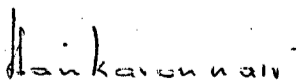
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a direction to promote him as Executive Engineer with effect from 17.6.94 and to grant him consequent monetary benefits .

2. While working as an Assistant Engineer, A-1 charge sheet was issued to him on 17.12.93. An enquiry was held. A-2 dated 17.6.94 is the enquiry report. By A-3 order dated 27.11.94 applicant was exonerated of all the charges finding that "he cannot be blamed". In the meanwhile a Departmental Promotion Committee met to prepare a Select list for appointment as Executive Engineer. Eventually, applicant was promoted with effect from 31.5.95. It is virtually admitted and certainly it cannot be disputed, that applicant is entitled to be promoted with effect from the date on which his immediate junior was promoted. This will be done. Further consequential orders relating to pay and allowances will be passed within eight weeks from today. Time limit will be strictly observed particularly since applicant has retired from service on 31.7.95. While doing this, third respondent will examine the ambit of the decision in Union of India etc. etc., Vs. K.V. Jankiraman etc.etc. (AIR 1991 SC 2010)
3. Application is allowed to the extent indicated hereinbefore. No costs.

Wednesday this the 17th day of July 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure - A1: True copy of Memorandum No.130806/2/DGNP/V/45/EIO dated 17.12.93 issued by 1st respondent.
2. Annexure - A2: True copy of the last page of the inquiry report (relevant portion) of Inquiry Officer.
3. Annexure - A3: True copy of order No.130806/2/DGNP/V/87/EIO dated 27.11.1994 issued by 1st respondent.

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