

OPEN COURT

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

ORIGINAL APPLICATION NO.50/2005.

This the day of 21st March 2005.

HON'BLE MR. JUSTICE S.R. SINGH, VICE CHAIRMAN.
HON'BLE MR S.C. CHAUBE, MEMBER (A).

Dukhanti Prasad, aged about 60 years son of late Shri Budhu Prasad, resident of Nanpara Dehat, Shivalaya Bag, Bahraich.

...Applicant.

By Advocate: Shri C.P.M. Tripathi.

Versus.

Union of India through the Secretary, Ministry of Communication (Department of Communication), New Delhi.

2. The Chief General Manager, Door Sanchar Vibhag, Door Sanchar Circle, Lucknow.
3. Telecom Divisional Engineer, Bahraich.

...Respondents.

By Advocate: Shri Rajendra Singh for Respondent No. 1.

Shri G.S. Ssikarwar for Respondent Nos. 2 and 3.

ORDER (ORAL)

BY MR. JUSTICE S.R. SINGH, VICE CHAIRMAN.

1. Heard, Learned counsel for the parties and perused the pleadings.
2. The applicant who retired from the post of Sub Divisional Engineer on 31.1.2005 has instituted this O.A. for issuance of a direction to the respondents to consider his notional promotion from the date his juniors have been promoted on the post of Divisional Engineer (Group-A).

(Signature)

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3. In the Counter-Affidavit filed on behalf of respondents no. 2 and 3, it is alleged that Disciplinary proceedings are pending against the applicant and therefore, he is not legally entitled for notional promotion from Group-B to Group-A post.
4. Be that as it may, we are of the considered view that respondents can consider the case of applicant's promotion by taking recourse to the sealed-cover procedure. In any case, if the enquiry report has already been submitted the disciplinary proceedings initiated against the applicant should be taken to some logical ends within three months and thereafter, the applicant's case be considered for notional promotion in accordance with law.
5. The O.A. is disposed of accordingly without any order as to costs.


(S.C. CHAUBE)
MEMBER (A)


(S.R. SINGH)
VICE CHAIRMAN

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