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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. No. 331/1989

D.S. Tomar

Applicant

versus.

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice, U.C.S., V.C.)

The applicant who was originally Manager, U.P. Forest Corporation has approached the Tribunal for non promotion and getting the result of the selection Committee for the higher post kept in sealed cover. In the counter affidavit it has been stated that when the DPC met for promotion to the post of D.C.S. selection grade ~~grade~~ Conservator of Forest, disciplinary proceedings against him were under contemplation. While according to the applicant disciplinary enquiry was made but it was not under contemplation when DPC met. No chargesheet was given and it seems that the same was given subsequently. The learned counsel appearing on behalf of respondents Shri N.P. Srivastava states that the applicant has now been promoted, vide order dated 23.4.91, which order has been placed before us, which indicates that a disciplinary proceedings against the applicant was under contemplation, as such in public interest he is being promoted on adhoc basis till further orders. The order on its face is not in conformity with the law. The applicant was entitled for promotion like any other person. Merely because disciplinary proceedings were under contemplation when D.P.C. met, of course, results could not

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have been kept in sealed cover as promotion cannot be withheld. As such his promotion/like other persons who were similarly interviewed by the DPC if they have been promoted. Only these two words will be read in the promotion order of the applicant otherwise his promotion will be in the same manner in which the others have been placed.. The consequence of the disciplinary proceedings ~~and consequently~~ will not affect ~~the~~ ^{or} to qualify his promotion order.

2. The application is disposed of with the ~~xxxxxx~~ directions, that the enquiry if any be concluded expeditiously.

transcr

A.M.

V.C.

Shakeel/ Lucknow Dated: 8.5.91