

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 15/92

Sumer Singh

Applicant.

versus

Union of India & others

Respondents.

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

Hon. Mr. K. Obayya, Adm. Member.

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

The applicant who was working as Assistant Accounts Officer w.e.f. 1.4.1987 has approached this Tribunal raising grievance against his non promotion. It appears that his name was approved by the Director General New Delhi for promotion and after approval by the D.P.C. the promotion order was issued in respect of certain employees including the applicant but the promotion order was withheld and it appears that the promotion was withheld on the ground that disciplinary proceedings were pending against the applicant. The grievance of the applicant is that juniors to him were promoted and he was not promoted though he was entitled for promotion with effect from the date his juniors were promoted.

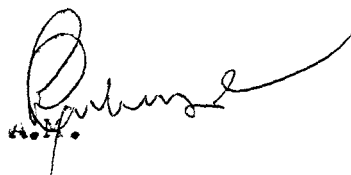
2. Counter Affidavit also transpires that disciplinary proceedings was pending against him but the chargesheet was served on him only on 7.10.1991

AS

and the charge against the applicant was in respect of certain departmental irregularities.

3. It is evident that ^{when} the applicant was promoted there was no charge sheet and so far as the charge sheet was not issued to the applicant, the disciplinary proceedings did not start and without starting of the disciplinary proceedings promotion could not be withheld.

4. Respondents are directed to promote the applicant with effect from the date his juniors were promoted notionally. No observation is being made regarding his disciplinary proceedings and punishment as that will be a fresh cause of action. Let the promotion be made within a period of three months from the date of receipt of a copy of this judgment. No order as to costs.


a.s.


V.C.

Shakeel/-

Lucknow: dated 23.10.92.