

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW Bench

LUCKNOW

Original Application No. 646/92

M.L. Verma

Applicant

versus

Union of India & Others

Respondents.

Hon. Justice G.C. Sengupta, V.C.  
Hon. Mr. N. Chatterjee, J.

Heard Sri Prashant Chandra, learned counsel for the applicant and Sri D. N. Randhawa, Counsel for respondents, on the petition of interim relief. The applicant has prayed that pending <sup>final</sup> decision on this application the respondents be directed to forthwith promote the applicant on the post of Public Relations Officer and to restrain the respondents from proceeding with the departmental enquiry in view of the judgment and order dated 29.3.1992 read with the order dated 13.7.91 in O.A. No. 43 of 1991.

2. The applicant had filed Original Application No. 43 of 1991 earlier, which was allowed and the punishment order dated 26.3.90 by which the applicant was reduced by one stage from 2120 to 2060 in the pay scale of Rs 1640-2900 for a period of two years, w.e.f. 1.4.1990 was quashed and it was observed that it will be open for the disciplinary authority to give a show cause notice to the applicant regarding his intention to disagree with the finding of the enquiry

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officer and in due time desiring to do so and thereafter, proceed in accordance with law and in due time during the pendency of these proceedings, if applicant's case can be considered for promotion, the same may be done without prejudice and even if promotion is given to him, that will not confer any right unless he is cleared of all the guilt.

3. The grievance of the applicant is that he has been superseded and the persons junior to him <sup>have</sup> been promoted, he may be given promotion. Subsequently, the applicant has moved an application for clarification of the order and he observed that in case during the pendency of these proceedings, the applicant's case can be considered for promotion, and he can be promoted without prejudice but this promotion will not confer any right unless he is cleared of all the guilt. It is not necessary for us to say that the promotion matter is involved and normally the enquiry will be concluded within three months which has not been provided in the order."

4. On behalf of the applicant a grievance has been raised that he has been passed over deliberately and he has not been promoted since long and that the respondent be punished for by-passing the order of the Tribunal. The applicant has annexed a copy of the letter dated 23.10.90 in which a reference of the letter dated 11.6.90 has been made and it has been provided that the respondent has been penalised by reduction of pay by one grade for one year which is a major penalty, his right to promotion as

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Adhoc Public Relations Officer cannot be acceded to at this stage. The learned counsel for the applicant states when the punishment order has been set aside, the applicant should have been promoted but various checks were placed on his promotion. Punishment was only in respect of reduction by one stage of pay for a period of two years.

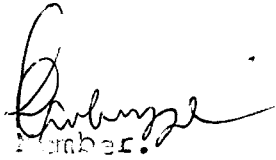
5. The learned counsel for the respondents Shri D.S. Randhawa states that a copy of the telex message has been received by him in which it has been stated "The disciplinary cases need thorough examination of relevant records and there fore, some delay is bound to take place. Moreover, in view of the increase in number of such cases and shortage of manpower it has not been possible to process such cases within the reasonable time framework inspite of best efforts. The clarification issued by the Hon'ble Tribunal vide order dated 15.9.02 does not lay down the maximum time within which the case of Shri M.L. Verma should be finalised. It merely provides that normally the enquiry should be concluded within three months. Since no show cause notice has been issued in accordance with the C.F.'s judgment the present petition filed by Shri M.L. Verma should not be admitted by the Tribunal."

6. This is none of the concern of the Government of India whether the case is to be dismissed or not. It is

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to be decided by the Tribunal and the language of the telex shows that the respondents are not interested in expediting the case and they need not wait for the result of the enquiry which may take time and accordingly, there appears to be no reason in not promoting the applicant and it is expected that the respondents will do the same within a period of three months from the date of communication of this order to the respondents.

No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Dr. Keel/-

Lucknow: Dated: 8.1.93.