

Original Application No.642/2002.

Lucknow this the day of 28/6/June, 2002

HON'BLE SHRI M.L. SAHNI, MEMBER (J).

HON'BLE SHRI S.C. CHAUBE, MEMBER (A).

Dr. V.D. Agrawal, aged about 58 years, son of late Sri G.P. Agrawal, resident of A 14, Malviya Nagar, Aish Bagh, Lucknow presently working on the post of Geophysicist (Sr.) in Geophysics Division, Geological Survey of India, Northern Region, Lucknow.

... Applicant.

By Advocate:- Shri S.S.L. Srivastava.

Shri N.K. Agrawal.

Versus.

Union of India through Secretary, Ministry of Steel and Mines, Department of Mines, Shashi Bhawan, New Delhi.

2. Director General, Geological Survey of India, 27, Jawahar Lal Nehru Road, Calcutta 16.

3. Senior Dy. Director General, Geological Survey of India, Aliganj, Lucknow.

... Respondents.

By Advocate:- Shri S. P. Singh, S. P. Singh, Advocate.

28/6/2002

ORDER

(BY SHRI S.C. CHAUBE, MEMBER (A)).

Through this application the applicant has sought direction to the respondents 1,2 and 3 to hold a review

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D.P.C. and promote the applicant to the post of Director (Geophysics) from the date when his immediate juniors were given promotion with all consequential benefits.

2. The brief facts of the case are that disciplinary proceedings against the applicant, who is Geophysicist (Sr.), Geological Survey of India under Rule 14 of the CCS (CCA) rules, 1965 has been ordered on 10.8.1994 on the charges of unauthorised absence from Govt. duty and for setting up Industry with the financial help of Pradeshiya Industrial & Investment Corporation, U.P. *In spite of the fact*, on account of various factors, is still continuing and has not sofar been finalised. Meanwhile, D.P.C. have been held and a number of officers junior to the applicant have been promoted. However, the case of the applicant has been kept in ~~seal~~ cover.

3. The applicant has already submitted number of representations to the competent authority dated 16.11.2000, 6.12.2000, 17.9.2001 and 01.11.2002 which are annexed as Annexure-11 to his O.A. Further a DPC was going to be held on 28.12.2002 at Bangalore for further promotion out of seniority list of persons mentioned in Annexure-3 and juniors to the applicant would be considered for further promotion whereas the representation of the applicant is still pending for final decision.

4. It would be premature for this Tribunal to enter into *evaluation* ^{for} ~~evaluation and contents~~ of the claim and contention of the applicant in this case at present stage, Since

for.

Disciplinary Enquiry is still being held against him. Without prejudice to the present disciplinary proceedings against the applicant, We are of the view that competent authority should decide the representations of the applicant dated 16.11.2000, 6.12.2000, 17.9.2001 and 01.11.2002 by passing a detailed, reasoned and self speaking order within a period of four months under intimation to the applicant.

5. Accordingly, respondent no.1 is directed to decide the representations submitted by the applicant within a period of four months from the date of communication of this order under intimation to the applicant. He is further directed to ensure expeditious completion of disciplinary proceedings against the applicant ~~as early as possible~~ in the interest of justice and fair play.

6. For the aforesaid reasons, the O.A. is disposed off with no order as to costs.


(S.C. CHAUBE)

MEMBER (A)


(M.L. SAHNI)
MEMBER (J)

Dated: 26.06.2004.
Lucknow.
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