

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

G. A. No- 256/91.

(AM)

Khalid Akhtar. ... Applicant.

Versus.

Union of India. ... Respondents.

Hon'ble Mr. D.K. Agrawal, J.M.

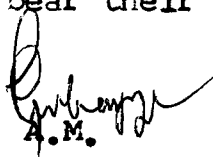
Hon'ble Mr. K. Obayya, A.M.

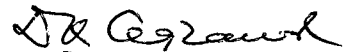
(Hon. Mr. D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals Act, 1985 is directed against the proceedings of D.P.C dated 24.6.91 refusing to promote the applicant for selection grade on the post of postal Assistant on the ground that disciplinary proceedings were contemplated against him. It is stated by the learned counsel for the respondents that the charge sheet has been issued to the applicant only on 30.8.91. The learned counsel for the applicant denies the receipt of the charge sheet dated 30.8.91. Whatever it may be, it remains a fact that Departmental promotion Committee wrongly refused to consider the case of the applicant for grant of lower selection Grade on 24.6.91 on merit and declared him unfit only on the ground that the disciplinary proceedings were contemplated against him. In the circumstances, we are of the opinion that the petition be disposed of finally giving adequate relief to the petitioner. We therefore, direct the opposite parties to hold a Review D.P.C and consider

(AS)

the applicant for grant of lower Selection grade as on 24.6.91. on merit without taking into account the contemplated disciplinary proceedings ^{or} charge sheet which is a subsequent development and give him the benefit of lower selection grade if he is found fit, for same on merit within a period of two months from the date of communication of this order. Parties are left to bear their own costs.


A.M.


J.M. 3.9.91.

Lucknow, dated 03.9.91.