

CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BENCH:
LUCKNOW

Original Application No.625 of 1992.

Lucknow this the 14th day of March 1997.

HON'BLE MR. S. DAS GUPTA, MEMBER (A.)

HON'BLE MR. D.C. VERMA, MEMBER (J.)

LALIT MOHAN PANT

S/o late P.B. Pant S/o 205/1, Sector-13,
Indira Nagar, Lucknow.

..Applicant

Versus

1. Union of India--through-

Director General, Department of Telecom,
Sanchar Bhawan, New Delhi.

2. General Manager(Telecom.), Distt. Lucknow.

..Respondents

For the applicant: Sri R.C. Singh, Advocate
For the respondents:Sri K.D. Nag, Advocate

ORDER (ORAL)

S. DAS GUPTA, MEMBER (A.)

Through this application u/S 19 of the Administrative Tribunal Act, 1985 the applicant has approached this Tribunal praying for a direction to the respondents to determine his pension assuming that he was promoted to the post of Director w.e.f. 26.6.92 and to pay the same with interest at the rate of 15% per annum. He also prayed that the departmental enquiry proceedings against him based on charge-sheets dated 18.1.1985 be dropped and it be declared that applicant became eligible for promotion on 26.6.92.

2. During the pendency of the O.A. the applicant, who was retired from service, has been exonerated of the disciplinary proceedings. It appears that the Enquiry Officer found the charges against the applicant as not proved whereupon a consequential

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order was issued. The only point, therefore, which remains to be decided, is- whether the applicant had a right to be considered for promotion w.e.f. 26.6.92.

3. The admitted position, in this case, is that a D.P.C. was held shortly before the retirement of the applicant w.e.f. 31.7.92 and as a result certain persons junior to the applicant, were promoted to the post of Director, which is the junior administrative Grade Rs.3700-5000. The applicant was not considered by the respondents on the ground that the disciplinary proceedings were pending against him.

4. The proper course of action should have been to consider the case of the applicant and keep recommendations of the D.P.C. in a sealed cover to be opened after the finalisation of the disciplinary proceedings. However, since it has not been done, we can only direct that the case of the applicant be considered by the Review D.P.C. and in case he is found eligible for promotion by the D.P.C. on the basis of the reports, without taking into consideration the fact that he had undergone certain disciplinary proceedings, the applicant can be notionally promoted from the date on which his junior was promoted.

5. We accordingly direct the respondents to convene a review D.P.C. to consider the applicant for promotion to the post of Director and in case he is found fit for promotion by the D.P.C., to promote him on which his juniors were promoted, on notional basis. The pay of the applicant shall be fixed notionally on the basis of such promotion and the pensionary benefits shall be revised on the basis of notionally refixed ^{pay}. Let this direction be complied with within three months from the date of

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communication of this order. With the aforesaid direction the O.A. stands disposed of leaving the parties to bear their own cost.



MEMBER (J.)



MEMBER (A.)

Dated: Lucknow: March 14, 1997.

Narendra/