

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCHO.A. No. 757/87  
TAXXNOX

198

DATE OF DECISION 5.2.1988

Mr. V. P. Pendse

Petitioner

Mr. D. N. Pendse

Advocate for the Petitioner(s)

Versus

Union of India through A.G.Mah.II, Respondent  
Nagpur and another.

Mr. S. R. Atre (for Mr. P. M. Pradhan) Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. J. G. Rajadhyaksha, Member (A)

The Hon'ble Mr. M. B. Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *X*
3. Whether their Lordships wish to see the fair copy of the Judgement? *DO*
4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400 614

DA.NO. 757/87

Mr.V.P.Pendse,  
5/2 Erandavne,  
Near Telephone Exchange,  
Karve Road, Pune-411004.

APPLICANT

v/s.

Union of India  
Through  
Accountant General (A&E)  
Maharashtra II,  
Nagpur 440 001.

2. Dy.Accountant General (Admn.)  
from the Office of the  
Accountant General,A&E.  
Maharashtra II, Nagpur 440001

RESPONDENTS

CORAM ; Hon'ble Member (A) Mr.J.G.Rajadhyaksha  
Hon'ble Member (J) Mr.M.B.Mujumdar

APPEARANCE :

Mr.D.N.Pendse  
Advocate  
for the Applicant

Mr.S.R.Atre (For Mr.P.M.Pradhan)  
Advocate  
for the Respondents

ORAL JUDGMENT

Dated: 5.2.1988

(PER: M.B.Mujumdar, Member (J)

Heard Mr.D.N.Pendse learned advocate for the applicant and Shri S.R.Atre for Mr.P.M.Pradhan learned advocate for the respondents. The applicant was appointed as Divisional Accountant in 1965. After completing 10 years of service he became due for promotion in 1975, but for want of vacancy he was not considered till 1987. He was, however, considered by the Departmental Promotion Committee in its meeting

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held on 26.10.1987. But as a Departmental Enquiry was going on against the applicant, the DPC has followed the "sealed cover" procedure.

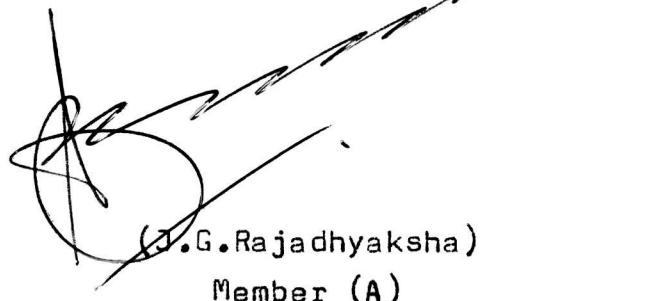
2. The applicant has filed this application under Section 19 of the Administrative Tribunal's Act, 1985 praying that he should be promoted with retrospective effect from prior to December 1984, with all consequential benefits. But it was not disputed before us that the charge was framed against the applicant in January, 1985 and a supplementary charge-sheet was served on him in July, 1985. Though the applicant pleaded not guilty to the charges, the enquiry is not still started. We are told that an Enquiry Officer is also not appointed. Mr. Atre stated before us that the departmental enquiry could not be started so far for want of necessary documents which are in the custody of the State Government. It will be wrong to ask the applicant to wait indefinitely till the enquiry is completed. We, therefore, propose to lay some time limit for completing the departmental enquiry. Mr. Atre said that the department will complete the enquiry proceedings within six months from today.

3. Still in view of the pendency of the departmental enquiry the applicant is not entitled to the promotion till the enquiry is completed. Though in the application he has prayed for promotion from prior to December, 1984, in our opinion that request will be barred by limitation in view of Section 21 of the Administrative Tribunals Act.

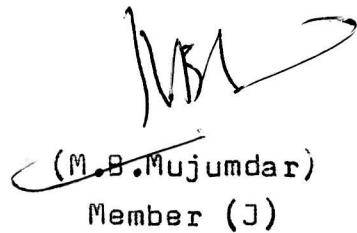
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4. In the result, we pass the following order :  
The application is summarily rejected under Section  
19(3) of the Administrative Tribunals Act, 1985.

The respondents are directed to complete the  
departmental enquiry which is pending against the  
applicant within six months from the receipt of a  
copy of this order.



(G. Rajadhyaksha)  
Member (A)



(M.B. Mujumdar)  
Member (J)