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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 844/89.

Shri C.Satyanarayana Rao. ... Applicant.

V/s.

Union of India & Others. ... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,  
Hon'ble Member(J), Shri T.S.Oberoi.

Appearances:-

Mr.Menghani proxy for  
Mr.G.K.Masand for the applicant and  
Mr.Ravi Shetty for  
Mr.R.K.Shetty for the  
respondents.

Oral Judgment:-

(Per Shri M.Y.Priolkar, Member(A)) Dated: 9.4.1990

The applicant in this case, while working as Assistant Garrison Engineer (North) at Santacruz, Bombay, was empanelled by a D.P.C. for the higher post of Executive Engineer in the Military Engineer Services on 15.9.1989. Thereafter, he was posted as Garrison Engineer (West) Jullundur, by order dt. 18.9.1989. However, this posting order was cancelled by order dt. 16th October, 1989 on the ground that the applicant was involved in a disciplinary case.

2. In our earlier order dt. 12.1.1990 we had observed that we were *prima facie* of the view that a Government employee cannot be denied promotion simply because a departmental inquiry is contemplated, particularly since in the present case, though a draft charge sheet had been forwarded to the Ministry of Defence, it was still to be approved by the Ministry. We had, therefore, held that

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cancellation of the posting given to the applicant by order dt. 16.10.1989 was not proper and legal and accordingly directed the respondents to post the applicant as Garrison Engineer/Executive Engineer in any post available at that time and if no post was available, then in the next vacancy which might be available thereafter. This interim order was subject to the final outcome of this application.

3. Mr.Ravi Shetty appearing for Mr.R.K.Shetty for the respondents today, stated that he has instructions from the respondents that the applicant will be given a posting to the promotional post within a fortnight from today. Mr.Menghani, advocate for the applicant, states that once this posting order is given, no other grievance will survive except the protection of his seniority which will be in accordance with his position in order of merit in the panel.

4. Since there is a specific undertaking by the counsel for the respondents that promotion and posting order will be given to the applicant within a fortnight and also that his seniority will be protected in accordance with the rules, we dispose of this application finally with a direction that the applicant may be given his posting order latest within three weeks from today and that his seniority in the higher post should be counted w.e.f. the date his junior in the merit list prepared by the DFC has assumed charge of the higher post, in accordance with the rules. There will be no order as to costs.



(T.S. OBEROI)  
MEMBER (J)



(M.Y. PRIOLKAR)  
MEMBER (A)