

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 340/1996

Date of Decision: 4.12.96

Shri S. P. Pawar,

Petitioner/s

Shri D. V. Gangal alongwith

Shri H. Y. Deo.

Advocate for the
Petitioner/s

V/s.

Union Of India & Others,

Respondent/s

Shri S. S. Karkera,

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B. S. HEGDE, MEMBER (J).

Hon'ble Shri P. P. SRIVASTAVA, MEMBER (A).

- (1) To be referred to the Reporter or not ? *p*
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? *x*

B. S. HEGDE
(B. S. HEGDE)
MEMBER (J).

os*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 340/96.

Dated this 14th, the fourteenth day of December, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).
HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

Shri S. P. Pawar,
Bakhal Galli,
Near Dr. Purkar Hospital,
At P.O. Parner,
Tal. Parner,
Dist. Ahmednagar.

... Applicant

(By Advocate Shri D.V. Gangal
alongwith Shri H.Y. Deo).

VERSUS

1. Union Of India through
The Chairman,
Telecom Commission,
Dept. of Telecommunication,
Sanchar Bhavan,
Ashoka Road,
New Delhi - 110 001.

2. The Chief General Manager,
Maharashtra Telecom Circle,
G.P.O. Building,
Bombay - 400 001.

3. The General Manager,
Telecom,
Marathwada Region,
Kothari Building,
Near S. T. Stand,
Nanded.

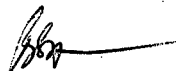
4. Telecom District Manager,
Kisan Kranti Building,
Market Yard,
Ahmednagar - 414 001.

... Respondents.

(By Advocate Shri S.S. Karkera).

: ORDER :

| PER.: SHRI B. S. HEGDE, MEMBER (J) |





Heard Shri D. V. Gangal alongwith Shri H.Y. Deo for the applicant and Shri S. S. Karkera for the respondents and perused the pleadings.

2. The short question for consideration in this O.A. is to issue direction to the respondents that the applicant be promoted to the post of T.E.S. Group 'B' post in Ahmednagar Telecom District, in accordance with the orders dated 8th July, 1994 wherein the applicant alongwith others have been promoted to the post of Junior Telecom Officer. Though his juniors have been promoted, the applicant has not been promoted. The applicant made representations vide dated 19.10.1994 and 10.10.1995. The respondents vide their letter dated 26.05.1995 stated that his promotion to T.E.S. Group 'B' was not implemented since vigilance case is contemplated against him. No action has been taken till the respondents filed the F.I.R. on 21.08.1996 and no charge-sheet has been issued so far. In the circumstances, the counsel for the applicant urge that since no charge-sheet has been issued by the respondents so far, keeping in view the observations made in K. V. Janakiraman's case and in view of the O.M. dated 14.09.1992 issued by the Department of Personnel & Training, the applicant is entitled to ~~ad~~hoc promotion.



3. In sofar as the facts are concerned, there is no dispute that though F.I.R. has been filed by the respondents, no charge-sheet has been issued so far and keeping in view the O.M. dated 14.09.1992 issued by the Department of Personnel & Training, the applicant is entitled to seek adhoc promotion if the disciplinary case/ criminal prosecution against the government servant is not concluded even after the expiry of two years from the date of the meeting of the first D.P.C., which kept its findings in respect of the Government servant in a sealed cover. In the instant case, the applicant has been selected and his name was listed in the panel, thereafter, the contemplated action is initiated against him. Therefore, the observations made in K.V. Janakiraman's case would squarely apply to the facts and circumstances of this case. Accordingly, we hereby direct the respondents to consider the case of the applicant in terms of the O.M. referred to above and pass appropriate order within a period of two months from the date of receipt of a copy of this order. The O.A. is admitted and disposed of at the admission stage itself. There will be no order as to cost.


(P.P. SRIVASTAVA)
MEMBER (A).


(B. S. HEGDE)
MEMBER (J).