

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 43/99

Date of Decision: 2/8/99

Shri D.M. Ramteke

Applicant.

Shri S.S. Karkera

Advocate for
Applicant.

Versus

Union of India & 2 Ors.

Respondent(s)

Shri V.S. Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri B.N. Bahadur, Member(A).

(1) To be referred to the Reporter or not? u

(2) Whether it needs to be circulated to other Benches of the Tribunal? u

abp.

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO:43/99.

DATED THE 2ND DAY OF AUGUST, 99.

CORAM: HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN.

HON'BLE SHRI B.N.BAHADUR, MEMBER(A).

Shri D.M. Ramteke,
at present Offg. as Sub-Divisional Engineer,
Telephone Exchange, CIDCI,
Ambad, Dist. Nasik
residing at 60, Muktai Colony,
Kamate Wade, Nasik-422 010. ... Applicant.

By Advocate Shri S.S. Karkera

v/s.

1. Union of India,
Through the Director General,
Department of Telecom,
Sanchar Bhavan, Ashoka Road,
New Delhi-110 001.
2. The Chief General Manager,
Maharashtra Telecom Circle,
Fountain Telecom Building, No.11,
Fountain, Mumbai-400 001.
3. General Manager, Telecom,
Canada Corner, Sharanpur Road,
Nasik-422 001. ... Respondents.

By Advocate Shri V.S. Masurkar

I ORDER I I ORAL I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

This is an application filed by applicant seeking a direction to respondents to promote him and for consequential reliefs. Respondents have filed reply opposing the application. Since the point involved is short point, we are disposing of this application at the admission stage after hearing both counsels.



2. The applicant is working as Sub-Divisional Engineer on officiating basis at Ambad in Nasik District. He belongs to scheduled caste. He was due for promotion in 1994 for the post of Telecom Engineering Service Group 'E'. He was also selected and order of promotion was issued but however actual/promotion was not issued inview of pendency of Disciplinary Enquiry proceedings. It appears the disciplinary enquiry proceedings terminated with award of minor penalty of withholding of two increments for two years. However, the order came to be modified by Appellate Authority by order dated 18/12/96 reducing the penalty to withholding of one increment for one year without cumulative effect. The said punishment period expired on 1/1/97. The applicant's grievance is that even after the expiry of the punishment period, he has not been considered for promotion and many of his juniors came to be promoted in 1998 that is how the applicant has approached this Tribunal for a direction to respondents to consider him for promotion and for consequential benefits.

3. The respondents have admitted about the disciplinary enquiry against the applicant, order of penalty by disciplinary authority and its modification by Appellate Authority. They have also admitted that the penalty expired on 1/1/97. As far as subsequent action to be taken is concerned, it is stated that the matter is under consideration with the Department of Telecommunication, New Delhi.

4. After hearing both the sides, we find that admittedly the applicant's punishment period expired on 1/1/97, hence, as stated by him there is no legal ^{impairment} ~~encumbrance~~ to consider the case of applicant for promotion after

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2/1/97. Admittedly, the applicant has not been considered for promotion for the last two years, and we are told number of that/juniors have already been promoted. We therefore feel that the respondents should be directed to consider the case of the applicant for promotion after 2/1/97 after holding review DPC and if he is found suitable for promotion then he is to be given promotion and consequential benefits as per rules.

5. In the result, the application is disposed of at Admission stage with a direction to the respondents to consider the claim of the applicant for promotion on or after 2/1/97 and if necessary by holding a review DPC and if he is found suitable for promotion he may be granted all the benefits as per rules. In the circumstances, respondents are directed to comply with the direction of the Tribunal within 4 months from the date of receipt of copy of this order. In the circumstances, there will be no orders as to costs.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)

abp.

R.G.Vaidyanatha

(R.G.VAIDYANATHA)
VICE CHAIRMAN