

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 475/91  
TAXX No.

198

DATE OF DECISION 23.6.92

Hamid Khan A.

Petitioner

Mr. GM Jha With Mr. Rane

Advocate for the Petitioner(s)

Versus

Union of India &amp; ors.

Respondent

Mr. N K Srinivasan

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr.

M Y Priolkar, Member (A)

The Hon'ble Mr.

J P Sharma, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MOPRRND-12 CAT/86-3-12-86-15,000

M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 BOMBAY BENCH, "GULESTAN" BUILDING NO.6  
 PRESCOT ROAD; BOMBAY-1

O.A. NO. 475/91

Shri Hamid Khan A.  
 Sr. Trains Clerk  
 Western Railway at Andheri  
 residing at Room no.3  
 Haji Suleman Chawl  
 Bhairam Nagar;  
 Bandra (E)  
 Bombay 51

..Applicant

V/s.

1. Union of India  
 through General Manager  
 Western Railway  
 Churchgate; Bombay 20

2. Divisional Railway Manager  
 Bombay Central; Western Railway ..Respondents

Coram: Hon. Shri M Y Priolkar, Member (A)  
 Hon. Shri J P Sharma, Member (J)

APPEARANCE:

Mr. C M Jha with Mr. Rane  
 Advocates for the applicant

Mr. N K Srinivasan  
 Advocate for the respondents

ORAL JUDGMENT:  
 (PER: M Y Priolkar, Member (A))

DATED: 23.6.92

The applicant in this case has the grievance that he was promoted to the post of Senior Trains Clerk by order dated 3.3.88, but this promotion was subsequently cancelled by order dated 22.12.1988.

According to the respondents, the promotion was on ad hoc basis and it was specifically subject to the condition that there is no DAR/B&C case pending against the concerned person. The promotion order had to be cancelled even before the applicant was actually promoted to the higher post as it was discovered that there were two DAR cases actually pending against the applicant on the date the promotion order had been issued. In fact

the applicant himself has filed in the application a copy of the charge sheet dated 21.8.87 against him. In the case of UNION OF INDIA V. K V JANAKIRAMAN, AIR 1991 SC 2010 it has been held by the Supreme Court that regular promotions can be withheld if the chargesheet had actually been filed against the official, since the image of Government will suffer in case a person who has already been issued with a charge sheet is promoted.

We, therefore, do not find any merit in this application. We, therefore, dispose the application at the admission stage itself with no order as to costs.

*J Sharma*

( J P Sharma )  
M(J)

*M Y Priolkar*

( M Y Priolkar )  
M(A)