

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH,  
CAMP AT NAGPUR.

Original Application No. 1065/92.

Shri N.K.Bhataalkar.

....Applicant.

V/s.

The Accountant General (A & E)-II,  
Maharashtra,  
Nagpur.

....Respondent.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,  
Hon'ble Shri M.Y.Priolkar, Member(A).

Appearances:-

Shri R.J.Kamble for the applicant.  
Shri Ramesh Darda for the Respondents.

Oral Judgment:-

¶ Per Shri M.S.Deshpande, Vice-Chairman¶ Dt. 26.7.1993.

Heard counsel for the parties.

2. It appears that the only ground on which the applicant is not being considered for promotion is when the DPC met in January, 1992 a prosecution against the applicant under sections 120-B, 409, 471, and 109 of the Indian Penal Code read with section 5(2) of the Prevention of Corruption Act, 1947 was being contemplated.

3. Shri Kamble for the applicant makes a statement that the charge sheet has not been launched against the applicant so far and it was not filed before the DPC met in January, 1992. In these circumstances, the sealed cover procedure could not have been resorted to and the applicant was entitled to be considered for promotion for which the DPC sat in January, 1992 about the eligibility of the promotion of the applicant from 6.2.1991.

4. We, therefore, direct the authorities to open the sealed cover and give the promotion to the applicant from the above mentioned date if he is found suitable by the DPC.

.....2.

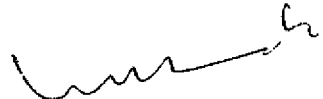
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This be done within three months. The application is disposed of with these directions. There will be no order as to costs.



(M.Y. PRIOLKAR)  
MEMBER(A)



(M.S. DESHPANDE)  
VICE-CHAIRMAN

B.