

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 1395/94

Date of Decision: 1.3.1999

— Shri Suresh Prabhakar Pethkar — Applicant.

Shri S.P.Kulkarni,  
Advocate for  
Applicant.

## Versus

Union of India and others] Respondent(s)

Shri S.S.Karkera for Shri P.M.Pradhan Advocate for  
Respondent(s)

**CORAM:**

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

Hon'ble Shri. D.S. Bawej, Member (A)

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

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

18. 10. 1955

1960-1961

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

Original Application No. 1395/94

Monday the 1st day of March 1999.

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

Hon'ble Shri D.S.Baweja, Member (A)

Suresh Prabhakar Pethkar  
Residing at S.No.16,  
Mangal Moorthy Complex,  
Pune Satara Road,  
Dhankavdi,  
District -Pune.

... Applicant.

By Advocate Shri S.P.Kulkarni.

V/s.

Union of India through  
Chief Post Master General  
Maharashtra Circle,  
D.P.O. Bldg. C.P.O. Compound,  
Near V.T.Stn., Bombay.

Shri S.P. Sardal,  
Chief Post Master,  
Kalbadevi Post Office,  
Bombay.

Shri P.B. Panchal  
Senior Superintendent of  
Post Office,  
Pune City west Division  
Pune.

... Respondents.

By Advocate Shri S.S.Karkera for Shri P.M.Pradhan.

O R D E R (ORAL)

¶ Per Shri Justice R.G. Vaidyanatha, Vice Chairman

In this application the applicant is seeking quashing of order dated 6.3.1994 and for consequential reliefs of getting promotion from the date his junior came to be promoted. In the reply the respondents have taken a stand that in view of the disciplinary enquiry initiated against the applicant he cannot be considered either for adhoc (Local or officiating) or on regular promotion.

...2...



2. Now the applicant has filed M.P. 730/98 seeking certain interim relief. This M.P. was filed in November 1998.

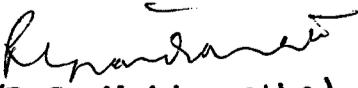
3. Today the O.A. is called out for hearing. It is brought to our notice that by order dated 15.2.1999 the applicant has been exonerated in the disciplinary enquiry. Copy of the order is taken on record.

In view of the exoneration in the disciplinary enquiry, now there is no impediment for the respondents to consider the case of the applicant for adhoc/(local or officiating)/regular promotion to which he is entitled as per the position in the seniority list.

4. In the result the O.A. is disposed of with a direction to the respondents to consider the case of the applicant for either adhoc (local or officiating) or regular promotion to which he is entitled to. In case the D.P.C. finds him suitable he may be promoted as per rules. The question whether the applicant is entitled to promotion from the date his junior came to be promoted has to be considered by the competent authority. Needless to say that if any adverse order is passed the applicant can challenge the same as per law.

5. Since this is a case of 1994 the respondents are directed to consider the case of the applicant for promotion in pursuance of the order within three months from the date of receipt of a copy of this order. M.P. 730/98 is also stands disposed of. No costs.

  
(D.S. Baweja)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman