

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, CAMP AT AURANGABAD.

ORIGINAL APPLICATION NO.175/1998.

Wednesday, this the 5th day of December, 2001

Hon'ble Shri S.R.Adige, Vice-Chairman (A),
Hon'ble Shri S.L.Jain, Member (J).

G.K.Joshi,
S.P.M's Quarter,
District Beed,
At P.O. Parli Vaijnath,
District - Beed - 431 515.
(By Advocate Shri S.P.Kulkarni)

v.

1. Union of India through
Superintendent of Post Offices,
Beed Postal Division,
At P.O. Beed - 431 122.
2. The Postmaster General,
Aurangabad Region,
Aurangabad - 431 002.
3. The Member (Posts),
Office of the Director General,
(Posts), Postal Directorate,
Dak Bhavan,
20, Asoka Road,
New Delhi - 110 001.
4. The Secretary,
(Department of Posts)
(For President of India),
Department of Posts, Ministry of
Communication, Dak Bhawan,
20, Asoka Road,
New Delhi - 110 001.

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

: ORDER (ORAL) :

By S.R.Adige, Vice-Chairman (A).

Applicant impugns Respondents orders as contained in para
1 of the OA and seeks ante-dating ^{of his promotion} as per One Time Bound Promotion
(O.T.B.P.) Scheme from 27.9.1989 to 7.1.1987.

2. Heard both sides.

3. It is not denied that the applicant was proceeded against departmentally, resulting in the imposition of penalty of censure vide order dt. 3.3.1989. The applicant's case was therefore, kept in a 'sealed cover' vide DPC meeting held on 8.1.1987 and by the time subsequent DPC was held on 27.9.1989, he was considered and found fit.

4. The Hon'ble Supreme Court in State of M.P. and Anr. Vs. I.A. Qureshi (SC SLJ 1999 (1) 165), has held that censure is one of the minor penalty that can be imposed on a government servant, and once such a minor penalty has been imposed, the 'sealed cover' containing the recommendations of the DPC could not be opened and the recommendations of the DPC could not be given effect to because the Applicant has not been fully exonerated, the respondents can only consider for promotion prospectively from the date after the conclusion of the departmental proceedings.

5. In the light of the aforesaid reply of the Hon'ble Supreme Court, the applicant's prayer for ante-dating his promotion under OTBP Scheme fails. In the result, the OA is dismissed. No costs.


(S.L.JAIN)
MEMBER (J)


(S.R.ADIGE)
VICE - CHAIRMAN (A)

B.