

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

T.A. No. 2218/86

Date of decision: 26.7.93

RAFIQ AHMED

: Applicant.

VERSUS

UNION OF INDIA

: Respondents

Smt. Kamla Jain

: Counsel for the applicant.

Mr. G.P. Soral

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. P.P. Srivastava, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant was working as a packer. A case was instituted in the criminal court and the applicant was suspended. However, the applicant was exonerated vide judgment dated 7.5.83 by learned Additional Munsif, Kota. The applicant is entitled, on account of exoneration, of all consequential benefits including the wages during the suspension period. The applicant has also been reinstated and received the salary for the same period. However, the grievance of the applicant is that his case of promotion has not been considered and the applicant is entitled for the promotion from the date his juniors have been promoted.

2. The applicant is entitled for the salary of suspension period and all consequential benefits.

3. As far as the question of promotion is concerned, the applicant has a right to be considered but directions cannot be given for promotion by this Tribunal.

4. We direct that if the juniors were promoted, the case of the applicant for promotion should also be considered according to the rules. The order dated 16.11.83 is hereby quashed to this extent that the condition imposed against the applicant regarding payment of salary be deleted. If the salary has not been paid for the suspension period, the same may be paid.

5. The T.A. stands disposed of accordingly, with no order as to costs.

(P.P. SRIVASTAVA)
Administrative Member

(D.L. MEHTA)
Vice-Chairman