

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD.

O.A.No. 746/87
T.A.No.

DATE OF DECISION: 23/2/90

Petitioner.

Advocate for the
petitioner(s)

Versus

Respondent.

Advocate for the
Respondent(s)

CORAM:

THE HON'BLE MR. B. N. Jayasinha, HVC
THE HON'BLE MR. D. Sanyal Rao, HVC

1. Whether Reporters of local papers may be allowed to see the Judgment ? No
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgment ? No
4. Whether it needs to be circulated to other Benches of the Tribunals ? No
5. Remarks of Vice Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

BNJ
(BNJ)

DSR
(DSR)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 746 of 1987

Date of Order 23/02/90

M.Solomon Raju
and

..Applicants

Union of India, Represented by
its Secretary,
Ministry of Finance and others

..Respondents.

...

FOR APPLICANTS:

MR.NALINI KUMAR Advocate for
MR.K.G.Kannabiran, Advocate.

FOR RESPONDENTS:
NO. 163.

Mr.G.Parameshwar RAO,
Standing Counsel for the Dept.

For the Respondents NO. 163
4.5.15 and 17.5.92

Not appearing in person or through an advocate.

[O.A is dismissed as against Respondent NO. 16 as per Cont. order dt. 9.2.89 passed in DA-746/87]

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN.

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

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(Judgment delivered by Hon'ble Shri B.N.Jayasimha, Vice
Chairman)

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1. The applicant herein while working as Section Officers filed this application for a direction to the 3rd respondent to promote him as Assistant Accounts Officer from the date of appointment of his immediate junior with all consequential benefits. He contends that he was over-looked on the ground that disciplinary proceedings are pending since 1979. By Order No.120 dated 21-9-87

contd...2

To:

1. The Secretary, (Union of India) Ministry of Finance, North Block, Central Secretariat, New Delhi-.
2. The Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi-110 002.
3. The Accountant General. (Accounts and Entitlements) Andhra Pradesh, Hyderabad-500 463.
4. One copy to Mr. K. G. Kannabiran, Advocate, H. No. 10-3-29/2, East Marredpally, Nehru Nagar, Sec'bad.
5. One copy to Mr. G. Parameswar Rao, SC for IARD Department, CAT, Hyderabad.
6. One spare copy.

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kj.

D Lowe
AB
20/11

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..2..

a number of persons were promoted and some of them are juniors and they have been made respondents in this application. He seeks to question the impugned order dated 21-9-87 on the ground that pendency of disciplinary proceedings should not be a bar for promotion.

2. We have heard the learned counsel for the applicant and Shri G. Parameshwar Rao, Standing Counsel for the Department.

3. Shri Nalin Kumar has brought to our notice Office Order No.195 dated 22-2-1990 in which the applicant alongwith an another employee have been promoted on adhoc basis in the scale of Rs.2000-60-2300-EB-75-3200. Hence, he states that no further directions are required except the right of the applicant for retrospective promotion after the finalisation of the disciplinary proceedings pending against him.

Shri Parameshwar Rao, representing respondents states on earlier occasions the DPC had adopted the seal cover procedure. In these circumstances, we direct that after the disciplinary proceedings are completed and in accordance with the judgment which may be passed in SLP No.7593 to 7594/89, the respondents will open the sealed cover and give the benefit of promotion to the applicant retrospectively on the basis of the recommendations made by the DPC. The application is disposed of with the above observations. No costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice Chairman

(Dictated in open court)

D. Surya Rao
(D. SURYA RAO)
Member (Judl.)

Dt. 23rd February, 1990

SQH*

.....

D. Surya Rao
6/3/90
Fr DEPUTY REGISTRAR (J)

107
He also stated that an SLP is pending in the Supreme Court on the question of applicability of Conduct Rule to the employees of the Comptroller and Auditor General.

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6/3/90
Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.) ✓

A N D

HON'BLE MR.D.SURYA RAO: MEMBER (JUDICIAL) ✓

A N D

HON'BLE MR.J.NARASIMHA MURTHY: (M) (J)

A N D

HON'BLE MR.R.BALASUBRAMANIAN: (M) (A)

DATED: 23.2.90

~~ORDER/JUDGMENT:~~

~~M.A./R.A./C.A./No.~~ in

~~T.A.No.~~

~~(W.P.No.)~~

~~O.A.No.~~

746187

~~Admitted and Interim directions
issued.~~

~~Allowed.~~

~~Dismissed.~~

~~Dismissed of with direction.~~ ✓

~~M.A.Ordered.~~

~~No order as to costs.~~ ✓

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6/3/90
Central Administrative Tribunal
HYDERABAD BENCH
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HYDERABAD BENCH