

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 909/91.

Dt. of Decision : 10.6.94.

Mr. B.S. Prasad

.. Applicant

vs

1. The Scientific Advisor to the
Ministry of Defence and the
Director General, Defence Research and Development
Organisation, Directorate of
Personnel, 'A' Block,
New-Delhi-110 011.

2. The Director,
Defence Metallurgical
Research Laboratory (DMRL),
Research and Devlp. Organisation,
Ministry of Defence, Govt. of India,
P.O. Kanchanbagh, Hyderabad-500 258.

.. Respondents.

Counsel for the Applicant : Mr. P. Naveen Rao for
Mr. Y. Suryanarayana

Counsel for the Respondents : Mr. N.V. Raghava Reddy,
Addl. CGSC.

CORAM :

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

JUDGMENT

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri P.Naveen Rao, for Sri Y.Suryanarayana, learned Counsel for the applicant and Sri N.V.Raghava Reddy, learned Standing Counsel for the respondents.

2. This OA was filed praying for quashing the decision of R-1 which was communicated in letter No.E/32/III dated 12.7.1991; and for a consequential direction to the respondents to follow the principle laid down by order dt.26.2.1990 in O.A.No.235/1988 on the file of this Bench, and the decision of the Full Bench reported in FULL BENCH JUDGMENTS (CAT) 158 - K.Ch.Venkata Reddy and Ors. Vs. Union of India and Ors. I.

3. The facts which are not in controversy are that the applicant was working as Tradesman 'C'. He was charge-sheeted on 14.9.1976 by R-2 Under Rule 14 of CCS(CCA) Rules for submission of alleged false reimbursement of medical claim. In view of the said disciplinary proceedings Sealed Cover procedure was followed in the case of the applicant for promotion to the grade of Tradesman 'A' in 1980, 1981 and 1982. By order dt. 6.12.1982, the disciplinary authority ordered recovery of Rs.231-55 ps. and withholding of annual increments for two years. Hence the case of the applicant for promotion was considered for 1983. The appellate authority confirmed the order of recovery, but set aside the order of withholding of increments and imposed the penalty of Censure by order dt. 2.3.1984. Hence, the case of the applicant for promotion to the grade of Tradesman 'A' was considered and the promotion of the applicant was given from that date.

Copy to:-

1. The Scientific Advisor to the Ministry of Defence and the Director General, Defence Research and Development Organisation, Directorate of Personnel 'H' Block, New Delhi-110 011.
2. The Director, Defence Metallurgical Research Laboratory (DMRL), Research and Development Organisation, Ministry of Defence, Government of India, P.O. Kanchanbagh, Hyderabad-500 258.

Ques

3. One Copy to Sri Y. Suryanarayana, 40 MIGH, Mehdipatnam, Hyd.
4. One copy to Sri N.V. Raghava Reddy, Addl. CGSC, CAT, Hyderabad.
5. One copy to Library
6. One spare.

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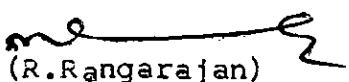
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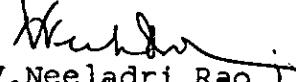
4. In a similar OA bearing O.A.No.907/91 decided on 10.6.1994 on the file of this Bench, where the applicant therein was also similarly situated as that of the applicant herein, it was held that when the applicant was not exonerated in an enquiry in pursuance of the charge memo dt.14.9.1976 it is not necessary to open the sealed covers which were sealed in regard to the case of the applicant for consideration of his promotion to the post of Supervisor (Tech.) in 1980, 1981 and 1982. It was further held in that OA that as the appellate authority had set aside the order of R-1 to the extent of withholding of increments for two years, it has to be held that there was no such punishment. Hence, the case of the applicant therein had to be considered for promotion in 1983.

5. Following the above principle a direction was given in that OA to the respondents to constitute a Review D.P.C. for considering the case of the applicant therein for promotion in 1983 and if he is so promoted his promotion ^{has} to be advanced to the date from which his junior who was promoted in 1983 assumed the charge. The monetary benefits were directed to be given from 1.9.1990 as the said O.A. was presented on 20.9.1991.

6. As the applicant herein is also placed similarly, we follow the same direction and direct the respondents to constitute a Review DPC for considering the case of the applicant herein for promotion in 1983 and if he is so promoted, his promotion has to be advanced to the date from which his junior who was promoted in 1983 assumed the charge. The monetary benefit has to be given from 1-9-1990 as this OA was presented on 20.9.1991.

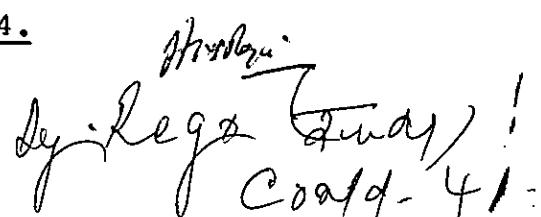
7. The O.A. is ordered accordingly. No costs.


(R. Rangarajan)
Member(Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 10th June, 1994.

Grh.


Jay Rego (Tandy)
Court-4

① 09.909/91

TEMPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.G.RIFI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 10-6-1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. No.

in
C.A.No. 909/91

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

