

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.946/92

Date of Order: 2.11.1992

BETWEEN:

K.Gopalan Nair

.. Applicant.

A N D

The Union of India rep. by:

1. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad - 500371.
2. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad - 500371.
3. The Chief Engineer,
South Central Railway,
Rail Nilayam,
Secunderabad. 500371.
4. The Divisional Railway Manager,
Hyderabad Division,
South Central Railway,
Secunderabad. 500371.

.. Respondents.

Counsel for the Applicant

.. Mr.M.C.Pilli

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. Chandrasekhara Reddy

Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to promote the applicant from the date ~~of~~ his immediate junior was promoted to the Ad-hoc Senior Scale of pay, with all consequential benefits and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief are as follows:

2. The applicant at present ^{is} working as Assistant Engineer in the MG Section of Hyderabad Division. The applicant was promoted as Assistant Civil Engineer on 20.11.1982 and posted as Assistant Engineer Belgaum in the Hubli ⁱⁿ Division. From 20.11.1982 to 18.11.1989 the applicant worked in the Hubli Division, Belgaum. While working at the Hubli Division in the year 1982 certain departmental enquiry ^{was} initiated as against the applicant and a regular charge sheet was served on the applicant. An enquiry officer was also appointed, the enquiry officer after examining the witnesses and considering ~~all~~ ^{material} the documentary evidence ^{produced} before him submitted to the GM/SC Railway exonerating the applicant of all the charges that were framed against him. The said report according to the applicant had been submitted as early as on 28.11.1990. Even though the said report was submitted to the disciplinary authority as early as on 28.11.1990 the disciplinary authority has not yet passed final orders with regarding to the said enquiry pending as against the applicant.

3. We are also informed by Mr.M.C.Pilli, Advocate for the applicant that the departmental promotions committee had

T. C. Pilli

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met to consider the applicant as well as others who are working as Assistant Engineers for the promotion on adhoc basis to senior scale. We ^{are} also further informed by Mr.M.C.Pilli that the departmental promotion committee had kept itself recommendations with regard to the applicant in a sealed cover.

4.

On 13.8.1992 the competent authority had issued proceedings giving promotions on adhoc basis to senior scale of some of the Assistant Engineers. It is the grievance of the applicant that he had not been promoted to the said post on adhoc basis to Senior scale from the date his immediate junior ^{was} promoted and hence he has filed the present OA for the relief as already indicated above.

5.

Today we have heard Mr.M.C.Pilli, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

5.

Mr.N.R.Devraj, Standing Counsel for the respondents submitted that sealed cover procedure had not been followed at all in this case ^{as} and promotions are made only on adhoc basis to the ~~senior~~ Senior scale. At this stage we do not ^{all} ~~have~~ like to go into ^s ~~the~~ details as consideration of the applicant for promotion on adhoc basis Senior scale depends upon the result of the disciplinary enquiry ^{to the} ~~is~~ pending as against the applicant. In view of this position we are of the opinion that the interest of the Justice would be ^{better served} ~~get~~ if a direction is given to the respondents to pass ~~final~~ orders with regard to the departmental enquiry ^{to the} ~~is~~ pending as against the applicant and to take suitable action with regard to the promotion of the applicant depending upon the result of the disciplinary ~~authority~~ enquiry.

6.

In the result we direct the respondents to pass final orders within 30 days from the date of the communication

of the order with regard to the disciplinary enquiry ~~is~~^{is} pending as against the applicant. Further, we direct the respondents to consider the applicant also for promotion on ^{to the} adhoc basis ~~of~~ senior scale depending upon the outcome of the result of the disciplinary enquiry. If the applicant continues to be aggrieved by the action of the respondents ^{on} not considering him for promotion, the applicant would be at liberty to approach this Tribunal afresh in accordance with law. OA is disposed of accordingly, ^{at the Admission Stage} leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 2nd November, 1992

(Dictated in Open Court)

Deputy Registrar

To

1. The General Manager, Union of India,
S.C.Railway, Railnilayam, Secunderabad-371.
2. The Chief Personnel Officer, S.C.Rly,
Railnilayam, Secunderabad-371.
3. ^{sd} The Chief Engineer, S.C.Rly.
Railnilayam, Secunderabad-371.
4. The Divisional Railway Manager, Hyderabad Division,
S.C.Rly, Secunderabad-371.
5. One copy to Mr.M.C.Pillai, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One spare copy.

pvm.

prop
12/11/92
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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

AND

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

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 2-11-1992

ORDER/JUDGMENT:

~~P.A. / C.A. / M.A. No~~

in

O.A. No.

946/92

T.A. No.

(wp. No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs

pvm

