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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.911/95

DATE OF ORDER : 20-03-1998.

Between :-

T.Seetharamaiah

... Applicant

And

The General Manager,
Ordnance Factory,
Eddumailaram, Medak District.

... Respondents

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Counsel for the Applicant : Shri S.Lakshma Reddy

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Re

... 2.

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

None for the applicant. Applicant was also absent when the O.A. was taken up for hearing. ^{Head} Sri N.R.Devaraj, standing counsel for the respondents. We are deciding this OA on the basis of the material available on record in accordance with Rule 15(i) of the CAT (Procedure) Rules, 1985.

2. The applicant is an Ex-Serviceman. He was re-employed in the respondents Factory as Store-Keeper in the scale of Rs.950-1500. He was promoted as Supervisor during April, 1991. While working as Supervisor he was placed under suspension on 29-9-91 on the ground that he had assaulted ^{his} ~~an~~ colleague in the office premises. A charge sheet was issued and an enquiry was conducted. While the Disciplinary Proceedings were pending, his case came up for promotion. Because of the punishment/^{based} on the Disciplinary Proceedings, the applicant was not promoted and the authorities followed the sealed cover method.

3. The applicant has filed this OA praying to call for the records relating to Disciplinary Proceedings pending against him pursuant to the charge memo dt.11-9-91 issued by the respondents and to quash the same as illegal, arbitrary and mala fide and consequentially for a direction to the respondents to consider his case for promotion to chargemen Gr.II NT/Stores with effect from 31-1-95, the date on which his immediate junior was promoted.

4. The respondents in their counter have stated that at the time of filing of the OA, the Disciplinary Proceedings was pending

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but now the Disciplinary proceedings ^{have been} ~~were~~ culminated in imposing the punishment of withholding of one annual increment with cumulative effect. In view of the imposition of the said penalty ^{on} ~~to~~ the applicant, the promotion of the applicant will arise only after the currency of the penalty period is over. ^{Even} ~~If otherwise~~ after receipt of this ~~xxx~~ reply, the applicant has not chosen to challenge the penalty order in the O.A.

5. In view of the decision of the Supreme Court in Union of India Vs. K.V. Janaki Raman, ^{(AIR 1991 (SC) 2010)} the case of the applicant cannot be considered during the currency of the penalty. Therefore the prayer of the applicant to consider his case for promotion on par with his junior from 31-1-95 cannot be granted. So long as punishment order is in force.

6. Since the Disciplinary Proceedings have culminated in imposing ^{the} punishment, the question of quashing the charge memo does not arise. In view of what is stated above, the applicant is not entitled to any of the reliefs claimed ⁱⁿ / the O.A. Accordingly, ^{we make it clear that,} the O.A. is dismissed. However, this dismissal of the O.A. does not stand in the way of the applicant to challenge the punishment imposed on him in accordance with the law. No order as to costs.


(B.S. JAI-PARAMESHWAR)

Member (J)

20.3.98


(R. RANGARAJAN)

Member (A)

Dated: 20th March, 1998.
Dictated in Open Court.

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2/4/98
TYPED BY
COMPILED BY

(6)
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 20/3/98

ORDER/JUDGMENT

M. A. / R. A. / C. A. NO.

in

S. A. NO. 911/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

