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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.970 of 1999.

DATE OF ORDER:18-8-1999.

BETWEEN:

Sri Madan Lal, IPS.

.....Applicant

and

1. The Secretary, Union of India,
Department of Personnel & Training,
North Block, New Delhi.

2. The Chief Secretary, Govt. of A.P.,
Secretariat, Hyderabad.

3. B.Shankar Rao, IPS,

4. G.Alfred, IPS.

5. D.Gopalakrishnam Raju, IPS.

6. Lokendra Sharma, IPS.

.....Respondents

(R-3 to R-5 are impleaded as per
Order dt:2-7-99 in MA.no.492/99).

(R-6 is impleaded as per Order
dt 2-7-99 in MA.493/99).

COUNSEL FOR THE APPLICANT :: Mr.K.Sudhakar Reddy

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narasimha Sharma(for R-1)

: Mr.V.V.Anil Kumar(for R-2)

: Mr.K.Prabhakar Reddy(for R-3 to
5)

: Mr.GVL.N.Murthy(for R-6)

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER(ADMN)

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(JUDL)

: ORDER :

ORAL ORDER(PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(J))

Heard Mr.K.Sudhakar Reddy, learned Counsel for the
Applicant, Mr.M.C.Jacob for Mr.B.Narasimha Sharma, learned
Standing Counsel for the Respondent No.1, Mr.V.V.Anil Kumar,
learned Standing Counsel for the Respondent No.2, and none
for the Private Respondents.

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2. The applicant is presently working as Deputy Inspector General of Police in the office of the Respondent No.2. He belongs to 1980 batch of IPS Officers and his next promotion is to the post of Inspector General of Police(IGP), and he claims to be the senior most Officer to be considered for promotion to the post of IGP along with his batch mates.

3. The applicant submits that a DPC met on 28-6-1999 for selection to IG posts and he came to know that his case was considered by the DPC but the recommendations of the DPC were kept in a sealed cover and efforts were made to issue promotion orders to IG posts to other Officers at any moment excluding his case under the pretext of the Disciplinary Proceedings.

4. Earlier the applicant was not promoted to the post of DIG in the year 1997 as the ^{some} Disciplinary Proceedings which is now pending (he is now promoted) was pending at that time. Hence, he filed OA.No.1666 of 1997, on the file of this Bench for promoting him as DIG. Certain directions were given by this Tribunal in that OA. The applicant being aggrieved by the directions approached the Hon'ble A.P.High Court by filing a Writ Petition bearing WP.NO.17491 of 1998. The High Court considered the W.P. and gave a month's time for finalising the disciplinary action so that on the basis of the result of the disciplinary action the applicant's case for promotion to the rank of DIG could be decided. But the respondents could

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not comply with the direction of completing the disciplinary proceedings in a month. Hence, that Writ Petition was disposed of by the following Order:-

"In the circumstances, we dispose of the writ petition directing promotion of the petitioner to the rank of D.I.G. in accordance with the decision already taken by the Departmental Promotion Committee and implement the same by issuing posting orders within a period of one week from the date of receipt of a copy of this order. We make it clear that the disciplinary action, which is pending against the petitioner will continue and this promotion will always be subject to the result of the said disciplinary proceedings. No costs."

5. The disciplinary proceedings for which he was not promoted earlier and his results were kept in a sealed ^{then} cover for promotion to the post of DIG is still continuing and is not finalised. We also gave a month's time by issuing notice before admission on 1-7-1999.
6. Today, a reply has been filed in this connection. The respondents submit that in accordance with the Apex Court Judgment in the case of UNION OF INDIA Vs K.V. JANAKIRAMAN ETC., (AIR 1991 SC 2010), the case of the applicant for promotion to the post of IG has been kept in sealed cover and that sealed cover will be opened soon-after the disciplinary proceedings are concluded. The same view was taken even while when he was not promoted as DIG. We see no variation in the submission of the respondents now and also about three years back. Hence, we see no reason to accept the submission of the State of A.P. in this connection.

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similar, passed

7. We feel that the Order in Writ Petition No.17491 of 1998, will equally hold good in this OA also.

8. Hence, the following Order is passed:-

In the circumstances, we are disposing of this OA directing the promotion of the applicant to the rank of IG in accordance with the decision already taken by the Departmental Promotion Committee and implement the same by issuing posting orders if he is otherwise found eligible within a period of 15 days from the date of receipt of a copy of this Order. We make it clear that the disciplinary action which is pending against the applicant ^{as I.G} will continue and this promotion ^{as I.G} will always be subject to the result of the said disciplinary proceedings. No costs.

B.S.JAI PARAMESHWAR
 (B.S.JAI PARAMESHWAR)
 18/8/99
 MEMBER (JUD)

R.RANGARAJAN
 (R.RANGARAJAN)
 MEMBER (ADMN)

DATED: this the 18th day of August, 1999

 Dictated to steno in the Open Court

 DSN

Amby
 10/8/99

Mark

1st AND II nd COURT

COPY TO:-

1. HDHNJ
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD:

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN
THE HON'BLE MR.R. RANGARAJAN:
MEMBER (ADMN)

THE HON'BLE MR.B.S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER DATE: 18/8/99

MA/RA/CP.NO

IN

DA.NO. 970 /99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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