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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH: JAIPUR.

O.A.NO.330/93

Date of order: 20.12.1996

Hari Narain

: Applicant

Vs.

1. Union of India through General Manager, Ministry of Communication, Department of Telecommunication, Dak Tar Bhawan, New Delhi.
2. Chief General Manager, Department of Telecommunication, Jaipur (Rajasthan).
3. Assistant Engineer, Incharge, Circle Telegraph, Store Depot, Jaipur-6.

: Respondents

Mr. P.V.Calla : For the applicant
Mr. U.D.Sharma : For the respondents

CORAM:

HON'BLE SHRI GOPAL PRISHNA, VICE CHAIRMAN
HON'BLE SHRI S.C.VAISH, MEMBER (ADMINISTRATIVE)

O R D E R

(PER HON'BLE SHRI S.C.VAISH, MEMBER (ADMINISTRATIVE))

Shri Hari Narain is an employee of the Respondent Department of Telecommunication and at present posted as Sircar at Jaipur. The grievance of the applicant is that in 1989 he was asked to appear before a D.P.C. which he did and was selected and promoted as Sircar. However, subsequently the respondents came to a conclusion that the D.P.C. was not validly constituted and they served upon the applicant an order dated 7.4.1989 cancelling his promotion. The applicant came to the Tribunal in

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C.A. No. 518/89 and this Tribunal by its order dated 17.7.1992 allowed the application, set-aside the impugned order and gave to the applicant all consequential benefits. The respondents were also given liberty to pass a fresh order but only after giving a show cause notice to the applicant.

2. We have heard Shri P.V.Calla for the applicant and Shri U.D.Sharma for the respondents. The above facts of the case are not disputed. In the present OA the applicant has come against a show cause notice dated 20.8.1992 (Annex.A-5) followed by another show cause notice dated 21.5.1993 (Annex.A-1). This Tribunal by its interim order dated 4.6.1993 stayed the operation of the show cause notice dated 21.5.1993 (Annex.A-1). As a result, the applicant is continued on the post of Sircar since 1989 his original promotion with all due benefits.

3. The facts of this case show that the applicant was asked to appear before a D.P.C. in 1989 which found him fit and he was promoted to Sircar. The applicant was in no position to know the constitution and validity of this D.P.C. Also at no stage the respondents have pleaded that the performance of the applicant on the post of Sircar has not been satisfactory. In these circumstances, we are of the view that this protracted litigation since the year 1989 is uncalled for. The respondents are directed to constitute a valid Review D.P.C.

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- 3 -

as of 1989 and re-consider the case of the applicant. Needless to say that on being so cleared, the promotion and consequential benefits of the applicant on the post of Sircar will flow from the date 15.3.1989. The applicant will not be reverted from the post of Sircar in course of this consideration by the Review D.P.C. and consequential orders thereafter.

4. The application is disposed of with the above directions. No order as to costs.

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(S.C.VAISH)
MEMBER (A)

GK
(GOPAL KRISHNA)
VICE CHAIRMAN