

**In The Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A./T.A./M.P. No. 257/2001

M.C. Joshi and ors.

Versus

Union of India and ors.

Date of Order

Orders

24.7.2001

Mr. P.N.Jati, counsel for the applicants

Mr. B.N.Sandu, counsel for the respondents

The learned counsel for the respondents submits that vide order dated 20th July, 2001 all the applicants except applicant No.4 [all the candidates totalling 21 have been sent on Phase-II training (photocopy of the order taken on record of the OA No.258/2001)].

2. The learned counsel for the applicants submits that the applicants have been sent on training with a delay of 3 weeks and consequently the period of 3 weeks so spent, should be counted for training.

3. We have given our thoughtful consideration to the rival submissions. In a period of 4 weeks' training, 3 weeks spent prior to the passing of the order dated 20th July, 2001 cannot be treated as period spent on training.

4. In view of the order passed by the Department dated 20th July, 2001 sending all the applicants, except applicant No.4, on Phase-II training, the prayer of the applicants Nos. 1, 2, and 3 stands satisfied. Therefore, the OA relating to their claim has become infructuous and is disposed of accordingly.

5. So far as the case of Mr. P.R.Jainid (applicant No.4) is concerned, the stand of the Department is that he cannot be sent for training because he is facing major penalty chargesheet. In

.....contd.

C.A.T. Bench, Jaipur

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	<p>this connection, a photocopy of order dated 1st June, 2001 has been placed before us, which has been taken on record. On the other hand, it is submitted by the learned counsel for the applicants that simply because a chargesheet is pending against the applicant No.4, the opportunity of imparting training cannot be refused on this ground alone, because the departmental inquiry may result into exoneration also. In that case, he may have to complete his training after his exoneration and that would cause him immense loss, so far as promotion matter is concerned. Therefore, the applicant no.4 be ordered to be sent on Phase-II training.</p> <p>6. Considered this aspect. We are of the opinion that subject to the result of the inquiry, the further promotion of the applicant after training could be regulated, but in the meantime, the applicant No.4 can be imparted Phase-II training. It is made clear that successful completion of training by Shri P.R.Jangid would not confer any right on him for claiming promotion, unless the inquiry is successfully terminated in his favour.</p> <p>7. With these observations, the OA is disposed of. Parties are left to bear their own costs.</p> <div><div><p><i>(Handwritten signature)</i> (GOPAL SINGH) Adm. Member</p></div><div><p><i>(Handwritten signature)</i> (A.K.MISHRA) Judl. Member</p></div></div> <div><p><i>Recd 26/7/01</i></p></div>