

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. .... 151 ..... of 1997

DATE OF DECISION. .... 9.9.1999

Shri Rohini Das

PETITIONER(S)

Mr. B. Malakar

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr. B. S. Basumatary, Addl. G. G. S. E.

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN.

THE HON'BLE MR. G.L. SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application of 151 of 1997.

Date of decision : This the 9th day of September, 1999.

Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Shri Rohini Das  
Jr. Telecom Officer,  
TDM/Guahati, in the  
Office of SDO(P),  
Noonmati.

...Applicant.

By Advocate Mr. B. Malakar.

-versus-

1. Chief General Manager,  
Assam Telecom Circle,  
S.R. Bora Lane,  
Guahati.

2. The Telecom District Manager,  
Ulubari, Guahati.

3. The Union of India  
(The Secretary, Telecom Samachar Bhawan,  
New Delhi.

...Respondents.

By Advocate Mr. B.S. Basumatary, Addl. C.G.S.C.

O R D E R

BARUAH J. (V.C.).

In this O.A. the applicant has challenged the Annexure-C order dated 18.7.94 and seeks certain directions to the respondents.

Facts are :

The applicant at the material time was Junior Telecom Officer and posted in the office of the Telecom

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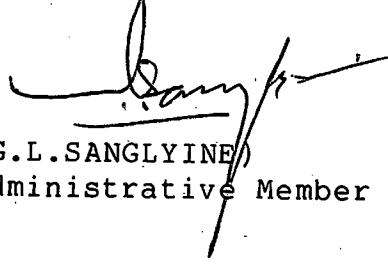
District Manager,, Guwahati. A D.P.C. was held in the year 1994 for consideration of promotion to the next cadre i.e. Assistant Engineer Telecom. The applicant was within the zone of consideration. His case was also considered and thereafter the DPC recommended his name. Annexure-A promotion order dated 27.5.94 had also been issued. Subsequent to Annexure-A order dated 27.5.94, Annexure-B posting order dated 20.7.94 was issued. However, on 18.7.94 Annexure-C order was issued excluding the name of the applicant on the ground that certain disciplinary proceeding had been pending. The applicant submitted a representation against the refusal to appoint him. His representation was disposed of by an order dated 10.1.1995 rejecting his case. Hence the present application.

2. In due course respondents have entered appearance and filed written statement.
3. We have heard both sides. Mr. B. Malakar, learned counsel appearing on behalf of the applicant submits that on the recommendation of the D.P.C. an order of promotion was issued. Posting order was also issued but suddenly his name was deleted in Annexure-C order dated 18.7.94. The applicant came to know about it from the Annexure-C order. The ground for deletion of his name was that a disciplinary proceeding had been pending against him. Mr. Malakar further submits that after issuance of promotion and posting order initiation and pendency of a disciplinary proceeding cannot be a ground to refuse appointment to the applicant. Today Mr. Basumatary, learned Addl. C.G.S.C. submits that disciplinary proceeding had come to an end and the applicant has since been promoted to the post of Assistant Engineer. Mr. Malakar submits that

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that effective date of promotion has not been mentioned in the order of promotion. It is well established principle that when a disciplinary proceeding comes to an end in favour of the applicant, he is entitled to get his promotion from the due date. Therefore, we dispose of this application with direction to the respondents to fix the seniority of the applicant notionally from the due date. This must be done as early as possible at any rate within a period of three months from the date of receipt of this order.

4. Considering the facts and circumstances of the case, we however, make no order as to costs.

  
(G.L.SANGLYINE)  
Administrative Member

  
(D. Bawali)  
(VICE-CHAIRMAN)  
Vice-Chairmn

trd