

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 272

of 1998

30.8.1999
DATE OF DECISION.....

Shri Irsad Ali Mazumder

(PETITIONER(S))

Mr A. Ahmed

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

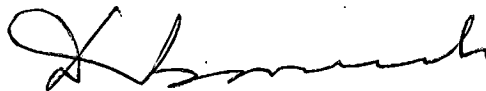
Mr B.S. Basumatary, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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



X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.272 of 1998

Date of decision: This the 30th day of August 1999

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Irsad Ali Mazumder,
Junior Engineer (Civil),
Assam Central Circle-1,
Central Public Works Department,
Guwahati.

.....Applicant

By Advocate Mr A. Ahmed.
- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Urban Development, New Delhi.
 2. The Director General (Works), C.P.W.D. Nirman Bhawan, New Delhi.
 - 3) The Chief Engineer (N.E.Z.), C.P.W.D., Shillong.
 4. The Superintending Engineer, Assam Central Circle-1, C.P.W.D., Guwahati.
- Mr B.S. Basumatary, Addl. C.G.S.C.

.....Respondents

.....

O R D E R

BARUAH.J. (V.C.)

The present application has been filed by the applicant seeking certain directions to the respondents.

2, Facts of the case are:

Certain charges were framed against the applicant in connection with misappropriation and breach of trust. The copy of the charges alongwith statements of imputation were served on the applicant asking him to reply to the charges. The applicant submitted his reply to the charges. The proceedings commenced in the year 1984.

82

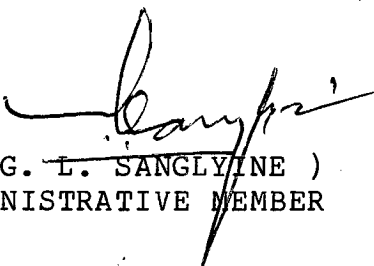
In the year 1995 there was a meeting of the Selection Committee to select the eligible candidates, including the applicant, for promotion to the post of Assistant Engineer (Civil). As the disciplinary proceeding was pending against the applicant, the sealed cover procedure was adopted in his case and so he was not given any promotion. The disciplinary proceeding came to an end in July 1999. The Disciplinary Authority found him guilty of the charges and accordingly punishment was imposed on him. According to the applicant his case was not opened.

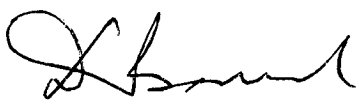
3. We have heard Mr A. Ahmed, learned counsel for the applicant and Mr B.S. Basumatary, learned Addl. C.G.S.C. appearing on behalf of the respondents.

4. On hearing the learned counsel for the parties, we feel that as the penalty was imposed on the applicant he would not get the benefit of the sealed cover procedure even if he was found eligible for promotion.

5. In view of the above the application is dismissed. However, the applicant may choose to take up his grievance to the Appellate or the Revisionary Authority and his promotion would be dependendent upon the result of his appeal.

6. No order as to costs.


(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER


(:D. N. BARUAH)
VICE-CHAIRMAN