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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

O.A. No. 117 of 1998.

DATE OF DECISION26-11-1999.

Md Khamir Ali

----- PETITIONER(S)

Sri B. Malakar.

----- ADVOCATE FOR THE
PETITIONER(S)

- VERSUS-

Union of India & Ors.

----- RESPONDENT (S)

Sri B.C.Pathak, Addl.C.G.S.C.

----- 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.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 117 of 1998.

Date of Order : This the 26th Day of November, 1999.

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

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

Md. Khamir Ali,
Telegraph Operating Assistant(TG)
Office of the Chief Superintendent,
Central Telegraph Office,
Panbazar, Guwahati-1. . . . Applicant

By Advocate Shri B.Malakar.

- Versus -

1. Union of India
represented by the Chief General Manager,
Assam Telecom Circle,
Guwahati-7.
2. The Chief Superintendent,
Central Telegraph Office,
Guwahati-1.
3. The General Manager,
Telecom, Kamrup District,
Guwahati-7. . . . Respondents.

By Advocate Shri B.C.Pathak, Addl.C.G.S.C.

ORDER

BARUAH J.(V.C)

This application has been filed by the applicant praying inter alia for a direction to the respondents to give him time bound promotion. As his promotion had been denied the applicant has approached this Tribunal.

2. In due course the respondents have entered appearance and filed written statement. In para 11 of the written statement the respondents have stated as follows :

" the CBI found the applicant guilty of the above act of misconduct and recommended for Departmental action against the applicant. Accordingly, a Disciplinary proceedings was drawn by issuance of a charge sheet on 22.6.1992. This was followed

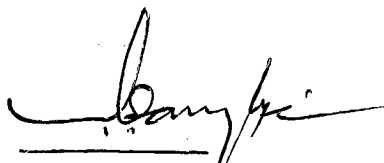


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by inquiry under Rule-14 of CCS(CCA) rules 1965 and on the basis of the Inquiry Report the Disciplinary Authority found the applicant guilty of the article of charges. Accordingly, an order of punishment of stoppage of 2 increments for 2 years was passed on 27.12.1997.

From the written statement it appears that he was denied time bound promotion on the plea that he was punished. As there is no representation on behalf of the applicant we have heard Mr B.C.pathak, learned Addl.C.G.S.C for the respondents. Again in paragraph 14 of the written statement it is stated that his case will be considered after the period of punishment was over and a review DPC will be formed in due course. We feel that after the punishment is awarded there is no bar in considering the applicant for promotion. However this was not done only because that he was punished. We feel that the case of the applicant for time bound promotion ought to have been considered. As this was not done we dispose of this application with a direction to the respondents to consider the case of the applicant as early as possible, at any rate within a period of 1 month from the date of receipt of this order.

The application is disposed of. No order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN