

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 285 of 1999

Jabalpur, this the 14th day of August, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Ganesh Prasad Shukla son of Late Mahabali
Shukla, aged about 56 years, Occupation
Central Govt Service, Resident of Behind
Telephone Exchange, Chhatarpur (MP)

APPLICANT

(By Advocate - Shri Dharmendra Sharma)

VERSUS

1. Union of India, through its Secretary,
Ministry of Telecommunication, Sanchar
Bhawan, New Delhi.
2. Chief General Manager, Department of
Telecommunication, Hoshangabad Road,
Bhopal.

(By Advocate - Shri P.Shankaran holding brief of Shri S.C.Sharma)

O R D E R (ORAL)

By J.K. Kaushik, Judicial Member

Shri Ganesh Prasad Shukla has filed this Original
Application assailing the impugned order dated 28th October
1998, ~~and~~ through which the order dated 16th October 1997
by which he was ordered to be promoted to the post of
Divisional Engineer (DE), was cancelled and he has prayed for
extending benefits in pursuance of the order dated 16.10.97,
by which he was so promoted.

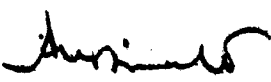
2. We have heard the learned counsel for the parties
and carefully perused the records of this case. At the very
out set, the learned counsel for the applicant has invited our
attention, that the respondents did not release the promotion of
the applicant only due to the pendency of the departmental
proceeding against him vide memorandum dated 4.4.98. He has
submitted and drawn our attention to Annexure D/4 - order
dated 16th March 2000 by which the applicant has been exonerated

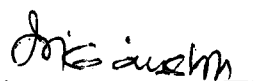
of all the charges made against him vide this said memorandum. He has submitted that the obstruction in his promotion has gone by this order and the applicant has become entitled to grant of due promotion to the post of D.E.

3. On the other hand the learned counsel for the respondents has submitted that the applicant has not been allowed his promotion after his exoneration vide letter dated 6th October 2000, probably since the matter was subjudice before this Tribunal. The respondents shall implement any direction which may be given by this Tribunal.

4. We have considered the submissions made on behalf of the parties and since the obstruction regarding release of promotion of the applicant to the post of D.E. have now gone out, he is entitled to the same with effect from the date his next junior was promoted. In this view of the matter we find substance in the Original Application and same deserves to be allowed. We pass the order as under -

The impugned order dated 28.10.98 is hereby quashed. The applicant shall be entitled for promotion to the post of Divisional Engineer in accordance with letter dated 16th October 1997 (Annexure D/2). He shall also be entitled to all consequential benefits at par with ^{his} next junior. The respondents are directed to implement this order within a period of three months from the date of receipt of copy of this order. No costs.


(Anand Kumar Bhatt)
Administrative Member


(J.K. Kaushik)
Judicial Member

पृष्ठान्त से ओ/नया.....जयपुर, दि.....

परिशिष्टित कार्यवाही:-

- (1) सचिव, उच्च न्यायालय एवं एडवोकेट जनरल, जयपुर
- (2) आवेदक श्री/श्रीमती/श्री.....के कार्यालय
- (3) प्रत्यक्ष श्री/श्रीमती/श्री.....के कार्यालय
- (4) बांधपाल, वके.आ., जयपुर एवं अन्य

सूचना एवं आवश्यक कार्यवाही हेतु

Sharma
19.8.03

D. Sharma, Adm.

S C Sharma, Adm.

Issued
on 19.8.03
B