

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.646 of 1997

Jabalpur, this the 24th day of February, 2003

Hon'ble Mr.R.K.Upadhyaya-Member(Administrative)
Hon'ble Mrs.Meera Chhibber-Member (Judicial)

T.R.Banjare, son of Janiram Banjare, aged about 49 years, working as Telecom Office Assistant, Grade-II in the office of Telecom District Engineer, Raigarh, M.P., Resident of near Railway gate, Sarang Garh Road, Jailpara, Town, Tahsil and District Raigarh, M.P.

- APPLICANT

(Applicant in person)

Versus

1. Union of India, through the Secretary, Ministry of Communications, New Delhi.
2. Chief General Manager, Telecommunication, Madhya Pradesh Circle, Bhopal, M.P.
3. The General Manager Telecommunication, Raipur Area, Raipur, M.P.
4. The District Engineer, Telecommunications, Raigarh, M.P.

-RESPONDENTS

(By Advocate-Shri B.da.Silva)

O R D E R (Oral)

By Mrs.Meera Chhibber, Member(J):-

By this O.A., the applicant, appearing in person, has sought the following reliefs-

"(i) That this Honourable Tribunal may quash the date of promotion of the applicant from Telecom Assistant Grade I to Grade II with effect from 30.1.1996 and may order the respondents that the applicant be promoted with effect from 6.1.1989 on time bound promotion scheme since he has completed 16 years of service on 6.1.1989.

(ii) That since the applicant belongs to scheduled caste category therefore he is also entitled for 2nd promotion as per roaster since he has completed 23 years of service respondent be directed to give the applicant promotion...."

2. The grievance of the applicant in this case is that he had completed 16 years of service on 6.1.1989 when persons junior to him were given the promotion, but

the same was denied to him. Ultimately, in the departmental enquiry initiated against him vide charge-sheet dated 27.9.1983, a minor penalty of 'censure' was imposed on him by order dated 29.6.1995. It is submitted by the applicant that since he was given only a minor penalty, the recommendations given by the DPC should have been given effect to and he should have been promoted along with his juniors from the same date as penalty of 'censure' cannot come in the way of his promotion.

3. The respondents on the other hand have opposed the O.A. and have submitted that on 6.1.1989 the applicant could not be given the promotion as there was a disciplinary case pending against him pursuant to the charge-sheet dated 27.9.1983. Accordingly, his case was kept in the sealed cover. Ultimately, vide order dated 29.6.1995 penalty of 'censure' was imposed on the applicant. Therefore, the sealed cover was not opened and after the expiry of six months period, the applicant has been given the promotion vide order dated 20.2.1996 with effect from 30.1.1996, which is in accordance with rules. Therefore, the relief, as prayed for by the applicant, cannot be granted.

4. We have heard the applicant appearing in person as well as the respondents' counsel.

5. The law on the subject is ~~very~~ settled by now that 'censure' cannot come in the way of further promotion for a period of six months but during the currency of the penalty, person cannot be given promotion. Similarly, if the recommendations of the DPC have been kept in the sealed cover due to the pendency of the disciplinary proceedings, it cannot be opened if the penalty has been imposed on the person concerned. The recommendations can be given effect to only in case the person concerned has been exonerated of the charge. In the instant case, since admittedly the applicant has

been given the penalty of 'censure', so naturally the sealed cover could not have been opened and after the period of six months, the applicant has been given promotion with effect from 30.1.1996, which is absolutely in accordance with law. Therefore, this case does not call for any interference and the O.A. is accordingly dismissed with no order as to costs.

(Mrs. Meera Chhibber)
Member (Judicial)

rkv.

(R.K. Upadhyaya)

Member (Adminv.)

पृष्ठंकन सं ओ/न्या.....जवलपुर, दि.....
परिचालित जायेगा:-

- (1) जवलपुर न्यायालय, जवलपुर
- (2) जवलपुर न्यायालय, जवलपुर
- (3) जवलपुर न्यायालय, जवलपुर
- (4) जवलपुर न्यायालय, जवलपुर

T R Banjan...

Bid...

26/2/03

Issued
26.2.03
BS