

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 704 of 1998

Jabalpur, this the 17th day of September, 2003

Hon'ble Shri Anand Kumar Bhatt, Administrative Member  
Hon'ble Shri G. Shanthappa, Judicial Member

Dinesh Kumar Saxena, son of  
Shri Lal Bahadur Saxena, aged  
about 52 years, Occupation  
Assistant Director (Transmission  
Planning) Office of the Chief  
General Manager Telecommunication,  
Bhopal.

... Applicant

(By Advocate - Shri Dharmendra Sharma)

V e r s u s

1. Union of India, Through its  
Secretary, Ministry of Tele-  
communication, Delhi.

2. The Chief General Manager,  
Department of Telecommunication,  
Hoshangabad Road, Bhopal.

... Respondents

(By Advocate - Shri S. Akthar holding brief of Shri  
B.da.Silva)

O R D E R (Oral)

By Anand Kumar Bhatt, Administrative Member -

This Original Application is about promotion of the  
applicant to the post of Telecom Senior Assistant  
Engineer.

2. The facts of the case are that an enquiry was  
pending against the applicant and a charge sheet was  
issued, which was dropped vide order dated 06.12.1994  
(Annexure A-3).

3. Another enquiry is pending against the applicant  
as has been mentioned by the respondents in Para 10 of  
the reply. The learned counsel for the applicant

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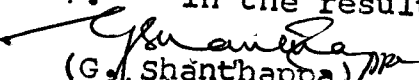
informed us that this enquiry has also been dropped by the orders of the President vide No. 8/33/96-Vig.II, dated 27th April, 2000. The learned counsel for the respondents stated that this document presented by the applicant is not ~~on record~~ <sup>in</sup> in his file.

4. It has been stated by the respondents in Para 3 of the reply that in the DPC dated 03.02.1995 and 27.07.95 the applicant was not found fit for promotion. Another DPC was held on 06.03.1996 and the recommendation of the DPC has been kept in sealed cover. Now the learned counsel for the applicant asserts that the enquiry as has been mentioned by the respondents <sup>in the reply</sup> ~~has~~ been dropped vide order (supra), the recommendation of the DPC <sup>kept in sealed cover</sup> ~~held~~ on 06.03.1996 be opened.

5. Under the circumstances it is ordered that in case the said enquiry mentioned by the respondents in Para 10 has been closed and no reason is there <sup>otherwise</sup> ~~not~~ to open the sealed cover, the sealed cover containing the recommendation of the DPC dated 06.03.1996 be opened and if the applicant is found fit he ~~may~~ <sup>be</sup> promoted and ~~also~~ ~~be~~ given all the consequential benefits.

6. The learned counsel for the applicant has sought the relief of promotion from 12.06.1993. The respondents have stated that there were two DPCs held i.e. on 03.02.1995 and 27.07.1995 in which the applicant was not found fit for promotion, and therefore his claim cannot be granted.

7. In the result the OA is partly allowed. No costs.

  
(G. Shanthappa)  
Judicial Member

  
(Anand Kumar Bhatt)  
Administrative Member