

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

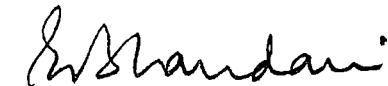
25.7.2008

OA 252/2006 with MA 148/2006

Mr. P. N. Jatti, counsel for applicant.
Mr. Anupam Agarwal, counsel for respondents.

Heard learned counsel for the applicant.
The OA stands disposed of by a separate order.

In view of disposal of the OA, no order is required to be passed in the MA. The same shall also stand disposed of accordingly.



(R.R. BHANDARI)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 25th day of July, 2008

ORIGINAL APPLICATION NO.252/2006

CORAM :

HON' BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON' BLE MR.R.R.BHANDARI, ADMINISITRATIVE MEMBER

Subhash Avasthi,
S/o Shri Prem Chand Avasthy,
R/o 21, Bapu Colony,
Ganeshpura Road,
Behind Ambedkar School,
Kota Jn.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur.
2. Divisional Railway Manager,
West Central Railway,
Kota.
3. Sr.Divisional Operating Manager,
West Central Railway,
Koa.

... Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER (ORAL)

PER HON' BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying
for the following relief :

"That by a suitable writ/order or direction the
impugned order dated 6.3.2005 be quashed and set

aside and further by a suitable writ/order or direction the respondents be directed to allow the promotion of the Station Superintendent in the pay scale of Rs.6500-10500 w.e.f. 1.11.2003 with all the consequential benefits."

2. In sum and substance, grievance of the applicant is that he was allowed promotion vide order dated 3.6.2005 (Ann.A/1) in the pay scale of Rs.6500-10500 w.e.f. 1.11.2003 i.e. during currency period of the penalty, but actually the applicant has not been promoted till date. It is on the basis of these facts that the applicant has filed this OA thereby praying for the aforesaid relief.

3. Notice of this application was given to the respondents. The respondents have filed their reply. In para 5.1 of the reply, the respondents have made following averments :

"5.1 That the contents of ground 5.1 cannot be admitted till the currency of his punishment of withholding of increments. The following punishments are in operation against the applicant :

1. Stoppage of two annual grade increments without future effect by order dated 19.9.03.
2. Reduction in time scale at three stages below for three years without future effect by order dated 15.9.04.
3. Stoppage of annual grade increment for one year without future effect by order dated 11.2.05 as upheld by order dated 9.8.05.
4. Censure by order dated 19.12.05.

As soon as the same would be over he would be promoted as per rules. Thus, any request for promotion at this stage is not only illegal but also against the rules. The original application for the relief on this ground is not sustainable and should be rejected."

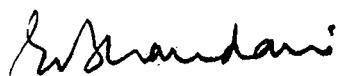
4. The applicant has also filed rejoinder thereby reiterating the submissions made in the OA.

5. We have heard learned counsel for the parties and gone through the material available on record.

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From the material placed on record, it is evident that the applicant alongwith other persons was granted promotion in the grade of Rs.6500-10500 vide order dated 3.6.2005 (Ann.A/1) w.e.f. 1.11.2003. Perusal of this order also shows that in respect of six employees the said promotion order would become effective after expiry of the period of punishment which, in case of the applicant, has been indicated as 7.9.2006. From the reply filed by the respondents, it is evident that the applicant was also imposed a penalty of reduction in time scale at three stages below for three years without future effect, vide order dated 15.9.2004, and the said penalty stood expired on 15.9.2007. There is nothing on the record to suggest that the applicant is still undergoing any penalty. The respondents have categorically stated in para 5.1 of the reply, which has been reproduced above, that as soon as the aforesaid penalty would be over, the applicant would be promoted as per rules.

6. In view of the stand taken by the respondents, we are of the view that the present OA has become infructuous, which stands disposed of accordingly. No order as to costs.



(R.R.BHANDARI)
MEMBER (A)



(M.L.CHAUHAN)
MEMBER (J)

vk