

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 3863/2015

M.A. No. 455/2017

New Delhi this the 16th day of February, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)

Jagpal Singh, aged 54 years
S/o Late Shri Vijay Pal Singh
Working as Patwari in DDA
R/o 72, G.K.-II, Indrapuram,
Ghaziabad.

.. Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Delhi Development Authority,
Through its Vice Chairman,
Vikas Sadan, INA, New Delhi.
2. The Commissioner (Personnel),
Delhi Development Authority,
Vikas Sadan, INA, New Delhi.
3. The Deputy Director (CR),
Delhi Development Authority,
Vikas Sadan, INA, New Delhi.

.. Respondents

(By Advocate: Ms. Sriparna Chatterjee)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. The applicant, who is presently working as Patwari, filed the
O.A. seeking the following relief(s):

“(i) That the Hon’ble Tribunal may graciously be
pleased to pass an order declaring to the effect that

whole action of the respondents not reviewing the case of the applicant for promotion as well as for ad hoc promotion to the post of Kanoongo, by placing the case of the applicant before the appointing authority is totally illegal, arbitrary and against the Govt. of India Instructions and consequently pass an order directing the respondents to consider and to promote the applicant to the post of Kanoongo with all consequential benefits from due date.

- (ii) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 04.07.2013, declaring to the effect that same is not a correct compliance of the judgment dated 04.03.2013.
- (iii) That the Hon'ble Tribunal may further graciously be pleased to pass an order directing the respondents to consider the case of the applicant for granting the benefit of ACP Scheme from due date i.e. on completion of 12 & 24 years of service as per the ACP Scheme with all consequential benefits including the arrears of difference of pay and allowances.
- (iv) That the Hon'ble Tribunal may further graciously be pleased to pass an order directing the respondents to grant the due increment of the applicant during the suspension period of the applicant w.e.f. 20.08.1992 to 18.06.1998 for the purpose of further fixation of pay of the applicant with all the consequential benefits.
- (v) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant".

3. The main grievance of the applicant is that the case for consideration of his promotion to the post of Kanoongo and granting of ACP/MACP were withheld as he was involved in a criminal case. Now, it is submitted that the criminal case No. 32/93 RC No.50(A)93/CBI/ACB registered against the applicant was

ended in acquittal by an order dated 24.01.2003. It is also submitted that though a criminal appeal No.792/2003 has been filed against the said order but no stay was granted.

4. The DoPT issued an office memorandum dated 19.01.2017 regarding instructions on sealed cover procedure-where Government servant has been acquitted but appeal is contemplated/pending and as per the said O.M., though an appeal has been filed and if no stay has been granted by a superior court, the cases of the employees can be considered for promotion, however, subject to the result of the appeal.

5. In view of the said latest O.M., the learned counsel for the respondents submits that they are in the process of considering the case of the applicant by opening the sealed cover, as per rules.

6. In the circumstances, the O.A. is disposed of as no further orders are necessary. The respondents shall do the needful within two months from the date of receipt of a copy of this order. MA 455/2017 also stands disposed of. No order as to costs.

(P.K. BASU)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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