

**Central Administrative Tribunal
Principal Bench**

OA No.3490/2018

New Delhi, this the 18th day of September, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Prabir Manna, Lecturer
Group 'A', Aged about 42 years
S/o Sh. R.N. Manna, R/o CB82B, DDA Flats
Hari Nagar, New Delhi-110064.
O/o Dr. B.R. Sur Homeopathic Medical College
Hospital & Research Centre, Nanak Pura
Moti Bagh, New Delhi-110021. ...Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
New Secretariat
I.P. Estate, New Delhi.
2. The Principal Secretary
Health & Family Welfare Department
Govt. of NCT of Delhi
New Delhi-110002.
3. The Director, Directorate of Ayush
A&U Tibbiya College, Karol Bagh
New Delhi. ..Respondents

(By Advocate: Shri G.D. Chawla for Ms. Harvinder Oberoi)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant is working as a Lecturer in the
Nehru Homeopathic Medical College run by the Govt. of

NCT of Delhi. An FIR No.58/12 was registered against him alleging offences punishable under Sections 354, 509 and 34 of the Indian Penal Code, 1860. The same was taken up by the Court of Additional Sessions Judge, South East, Saket Court, New Delhi as SC No.1641/2016.

2. When the case was pending, a DPC met for considering the cases for promotion to the post of Reader in the College. Because of the pendency of the case against the applicant, the result of the consideration, made about him was put in a sealed cover.

3. This OA is filed with a prayer to direct the respondents to open the sealed cover and to promote the applicant on regular basis.

4. The applicant states that the criminal case ended in his acquittal through judgment dated 20.08.2016 and despite several representations being made by him, neither the sealed cover was opened nor any further steps were initiated in this behalf.

5. We heard Shri M.K. Bhardwaj, learned counsel for the applicant and Shri G.D. Chawla proxy counsel for

Mrs. Harvinder Oberoi, learned standing counsel for the respondents, at the admission stage.

6. It is a matter of record that the sealed cover procedure was adopted in respect of the applicant. Once the sealed cover procedure is adopted, normally, the sealed cover is opened and the result thereof is declared, unless any punishment was imposed. The circumstances under which the sealed cover is yet to be opened are not immediately before us. The representations made by the applicant are pending since the past two years. The applicant needs to be informed the reason there for.

7. We, therefore, dispose of this OA at the admission stage directing that:

- (a) In case there do not exist any criminal or departmental proceeding against the applicant and no punishment has been imposed on him, the sealed cover which is said to have been maintained in the case of the applicant, shall be opened.
- (b) If there exists any reason for not opening the sealed cover, the same shall be

communicated to the applicant within a period of six weeks from the date of receipt of a copy of this order.

8. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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