

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

OA.NO.170/00511/2017

DATED THIS THE 13TH DAY OF JUNE, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PK.PRADHAN MEMBER(A)

A.Mallikarjun

Aged about 51 years

Occupation: Primary Teacher,  
Kendriya Vidyalaya CRPF,  
Bengaluru 560012.

...Applicant

(By Party in Person)

V/s.

1.The Additional Joint Commissioner,(Admn)/  
Appellate Authority,  
Kendriya Vidyalaya Sangathan,  
18,Institutional Area,  
Saheed Jeet Singh Marg  
New Delhi 110 016.

2.The Deputy Commissioner (Acad/Vig.)  
Kendriya Vidyalaya Sangathan,  
Regional Office Bengaluru Region,  
K.Kamaraja Road,  
Bengaluru 560042.

...Respondents

(By Shri Vishnu Bhat .....Sr. Panel Counsel)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Heard. Apparently, the applicant had passed the competitive examination on 14.9.2014. But then on 16.9.2014 he received an order of compulsory retirement which he had apparently challenged in OA.No.363/2015 before us. After hearing the OA we had directed modification of the punishment and it was modified.

2. The applicant now claims that he may be promoted in consequence of having passed the competitive examination. The competitive examination is also a suitability barrier to be passed by any employee before he can aspire to career enhancement. No doubt the applicant had passed that barrier but we find from the records and after hearing both parties that the punishment is still current. Therefore, he cannot be promoted now. But, after the punishment is over within one month next, the applicant has the right to be considered for promotion again on the basis of being able to pass the competitive examination on 14.9.2014. Unless there are sufficient significant grounds against him, the applicant has the right to be promoted again. We will therefore, direct the respondents to consider his case for promotion within one month of

his having completed the current punishment. OA is, therefore, disposed of on this basis. No order as to costs.

3. At this point of time the learned counsel for the respondents submits that vacancy which would have arisen for the applicant must have been filled up by now. But, then the respondents can adjust him against the vacancies which arises later on. But then since currency of the punishment and the relevancy of it is in the knowledge of the respondents from now itself they will plan ahead and keep one post vacant which can be utilized for accommodating the applicant, if, he is so eligible meaning whereby there are no other serious significant issues pending against him at that point of time.

4. The applicant seeks that he may be given a posting at Bangalore. We will not interfere, it is quite within the right of the respondents to post him in accordance with public interest.

5. OA is, disposed of as above. No order as to costs.

( PK.PRADHAN)  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

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**Annexures referred to by the applicant in OA No.511/2017**

Annexure A1: Copy of memorandum No.F.13062/06/2014-15/RO/BGR/6790 dated 12.9.2014

Annexure A2: Copy of order of this Hon'ble Tribunal passed in OA.No.363/2015 dated 14.10.2015

Annexure A3: Copy of modified penalty order No.F.13062/06/2014-15/RO/BGR dated 23.6.2016

Annexure A4: Copy of appeal dated 15.11.2016

Annexure A5: Copy of appeal dated 10.4.2017

Annexure A6: Copy of information letter No.11011/3/2008/KVS/HQ/RPS/970 dated 2.11.2015.

**Annexures referred in the rejoinder by the applicant**

Annexure A1: Copy of relieving order dated 16.9.2014

Annexure A2: Copy of Provisional Pension Order dated 19.1.2015

Annexure A3: Copy of Convocation Certificate from IGNOU dated 25.2.2014

Annexure A4: Copy of BA English Marks card

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