

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/000579/2018

DATED THIS THE 21st DAY OF MARCH, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

M.C. Manjunatha,
S/o Chunche Gowda,
Aged about 54 years,
Working as Assistant Director,
(Civil Engineering),
Central Institute of Coastal
Engineering for Fishery,
Jalahalli, Opp. ISRO Quarters,
Bengaluru-560 013.
R/a No.600-E(879/A),
2nd Phase, 80 feet Road,
Girinagar, Bengaluru-560 085.

..Applicant.

(By Advocate Smt M.V. Thanuja)

Vs.

1. Union of India represented by
Secretary to Government of India,
Department of Animal Husbandry,
Dairying and Fisheries,
Ministry of Agriculture and Farmers Welfare,
Krishi Bhavan,
New Delhi – 110 001.
2. The Under Secretary (Admin-V)
Ministry of Agriculture and Farmers Welfare,
Department of Animal Husbandry,
Dairying and Fisheries,
Krishi Bhavan,
New Delhi – 110 001.
3. The Director,
Central Institute of Coastal
Engineering for Fishery,

Opp. ISRO Quarters,
H.M.T Post, Jalahalli ,
Bengaluru-560 013.

4. Sri H.R. Nagaraj,
Assistant Director (CE), CICEF,
Bengaluru.

...Respondents

(By Standing Counsel Shri V.N. Holla for Respondents 1-3
Shri P.B. Ajit, Counsel for R-4)

ORDER (ORAL)

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

This case is focussing on one issue. The 4th respondent was unfortunate enough to attest some documents for some people, since he was a Gazetted Officer. Apparently, using the facsimile of this seal, some persons made some seals and made use of it to create some false documents. When it had come to light, the police had arrested these culprits. When they found from these culprits that the seal has originated from the 4th respondent, they had arrested him and he was in jail for 2 weeks. He was under suspension and was under its prejudice for 1 ½ years and later on police enquiry proved that 4th respondent has no hand at all with this issue and that the original culprits were to blame. Therefore, when they filed the charge sheet, they did not join the 4th respondent in the matter.

2. Now the question of promotion had come in. The applicant claims the 1 ½ years the 4th respondent was kept out of office, should it not be subtracted from his total service. Since the applicant had made certain allegations against the 4th respondent, we had summoned the concerned police SHO to come with the

documents. We had gone through the documents and we are also convinced that the 4th respondent was not to be blamed at all. Therefore, we hereby uphold the decision of the respondents to re-instate him back into service and to grant him the benefits for the years which he has lost because of no fault of his. The time spent in jail for wrong reason and the period of suspension should be taken as part of service. We heard the Director also personally. He submits that the 4th respondent is eligible for the promotion. It appears to be so. There is no problem in granting the promotion to the 4th respondent.

3. OA is devoid of merit. Dismissed. No costs.

(C.V. SANKAR)
MEMBER(A)

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

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Annexures referred to by the Applicant in OA No.170/00579/2018

1. Annexure A1 : Copy of the promotion order.
2. Annexure A2 : Copy of Seniority list.
3. Annexure A3 : Copy of representation dated 20.12.2017.
4. Annexure A4 : Copy of the Recruitment Rules.
5. Annexure A5 : Copy of forwarding letter dated 10.01.2018.
6. Annexure A6 : Copy of online RTI Application.
7. Annexure A7 : Copy of RTI Endorsement dated 16.01.2018
8. Annexure A8 : Copy of Endorsement dated 08.02.2018

Annexures referred to by the respondent No.4 in the Reply

1. Annexure R1: Copy of 4th respondent 's appointment order dated 28.10.1991
2. Annexure R2 :Copy of the order of promotion to the post of Assistant Engineer (CE) dated 10.01.2006
3. Annexure R3 :Copy of the order of promotion to the post of Assistant Engineer (CE) dated 16.06.2011
4. Annexure R4: Copy of the 4th respondent's suspension order dated 19.02.2016
5. Annexure R5: Copy of the order dated 26.07.2017
6. Annexure R6: Copy of the order dated 10.08.2017

Annexures referred to by the respondent No. 1 to 3 in the reply

1. Annexure R1: Copy of the letter dated 09.10.2017
2. Annexure R2 :Copy of the order dated 26.07.2017
3. Annexure R3 :Copy of the order dated 10.08.2017

Annexures referred to by the applicant in rejoinder

1. Annexure RJ1: Copy of the representation of the applicant dated 16.10.2017
2. Annexure RJ2 :Copy of the order sheet dated 11.02.2016 in CR No. 131/2016
3. Annexure RJ3 :Copy of the order sheet dated 06.09.2017 in OA No. 459/2017
