

Ram Dutta Singh Vs Coal India Ltd.

Court: Calcutta High Court

Date of Decision: Aug. 21, 2001

Citation: (2002) 4 LLJ 132

Hon'ble Judges: Aloke Chakrabarti, J

Bench: Single Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Aloke Chakrabarti, J.

Heard, Mr. Bijoy Kumar, learned counsel for the petitioner and Mr. Aloke Banerjee, learned counsel for the

respondents. The contention of the petitioner is that he was suspended in view of initiation of a criminal proceedings against the petitioner. Such

suspension order passed in the year 1990 was revoked in the year 1994. Ultimately, the criminal case also ended in acquittal of the petitioner by

the appropriate Court on December 23, 1998. The petitioner states that in view of such acquittal he is not only entitled to full financial benefits for

the entire period of suspension, but also the promotional benefits which the petitioner has been deprived by reason of pendency of the said

proceedings, although juniors to the petitioners have been given promotion.

2. The learned counsel for the respondents stated that the petitioner had to be suspended and his case for promotion could not be considered, in

view of the pendency of the criminal proceedings and, therefore, there is no irregularity in the action of the respondents.

3. After considering the aforesaid facts, I find that, admittedly, when the petitioner has been acquitted in the criminal proceedings, there is no

reason for withholding the entire financial benefits payable to him during the period of suspension. Further, in such facts no reason could be shown

as to why the petitioner should be deprived of such promotion when, admittedly, his juniors have been promoted. Learned counsel for the

petitioner has contended that such promotion up to the level of Grade E-5 is time-bound promotion and therefore petitioner is entitled to such

promotion as a matter of course. Reliance was placed on the Office Memorandum dated March 29, 1993 at annexure ""I"" to the affidavit-in-reply

filed by the petitioner. Learned counsel for the respondent states that under the Rules such promotion up to the level of E-3 Grade is on seniority-

cum-merit, and, the level above the same, it would be merit-cum-seniority. As I do not find sufficient materials to decide the aforesaid criteria for

promotion particularly when the modification by the competent authority of Coal India Ltd., relied on by the petitioner, was disclosed in the

affidavit-in-reply, I direct the respondents to decide the question of promotion of the petitioner strictly in accordance with the law and such

promotion will be from the date when the junior to the petitioner was promoted. All arrears on account of the financial benefits during the

suspension period is to be paid within a period of three months from the date of communication of this order and the respondents also will decide

the question of promotion of the petitioner within the aforesaid period and will communicate such decision to the petitioner immediately thereafter.

4. The writ petition is allowed to the aforesaid extent

5. All parties are to act on a signed xerox copy of this dictated order on the usual undertakings.