

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE G. SHYAM PRASAD

Writ Petition No.15040 of 2005

ORDER: (per V. Ramasubramanian, J.)

Aggrieved by the order of the Tribunal holding that
censure is not a bar for promotion, the Union of India has come
up with the present writ petition.

2. Heard Mr. B. Narayana Reddy, learned Assistant
Solicitor General of India appearing for the petitioners and Mr.
Ch. Ravinder, learned counsel for the respondent.

3. On the ground that a penalty of censure was imposed,
the 1st respondent was denied promotion with effect from 01-
07-1992. In view of the rule position prevailing at that point of
time, the Tribunal held that censure should not be a bar to
eligibility for promotion. Rule 11 of CCS (CCA) Rules as well as a
judgment of another Bench of the Central Administrative
Tribunal at Ernakulam reported in 2004 (3) ATJ 518 were relied
upon by the Tribunal.

4. In our considered opinion, the view taken by the
Tribunal cannot be taken exception too. As a punishment,
censure does not have currency for any particular period.

Therefore, the view of the Tribunal is correct and the writ petition is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 02-11-2016

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