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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 7722 of 2018**

Gopal Prasad Jaiswal S/o Shri Trilochan Prasad Jaiswal Aged About 66 Years R/o Asin Kaliram Kunj Kalyan Bag, Rajkishornagar, Police Station Sarkanda District Bilaspur Chhattisgarh.

**---- Petitioner****Versus**

1. Bharat Sanchar Nigam Limited (A Government Of India Enterprise), Through The Chief Managing Director Bharat Sanchar Nigam Limited Corporate Office Personnel, (Pers DPC) Section 4th Floor, Bharat Sanchar Bhawan Janpath New Delhi 1
2. The General Manager (Personal) Bharat Sanchar Nigam Limited Corporate Office Personnel (Pers DPC) section 4th Floor Bharat Sanchar Bhawan Janpath New Delhi 1
3. The Chief General Manager Telecom Bharat Sanchar Nigam Limited Chhattisgarh Circle, Vidhan Sabha Road, Khamardih Raipur Chhattisgarh.
4. The Divisional Engineer (Vigilance) O/o The Chief General Manager Telecom Bharat Sanchar Nigam Limited Chhattisgarh Circle Vidhan Sabha Road Khamardih Raipur Chhattisgarh.
5. The General Manager Telecom District Bharat Sanchar Nigam Limited Bilaspur Chhattisgarh.
6. The ADG (STG) Department Of Telecom New Delhi Parliament Street, Sanchar Bhawan New Delhi 110001
7. Shri M.B. Khan Sub Divisional Engineer O/o General Manager Telecom, District Bharat Sanchar Nigam Limited Bilaspur Chhattisgarh.
8. Shri M.B. Khan Sub Divisional Engineer O/o General Manager Telecom District Bharat Sanchar Nigam Limited Bilaspur Chhattisgarh.
9. Shri D.E. Naila Sub Divisional Engineer O/o General Manager Telecom, District Bharat Sanchar Nigam Limited Bilaspur Chhattisgarh.

**---- Respondents**


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For Petitioner : Shri Rishi Rahul Soni, Advocate.

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**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**  
**Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board****12/12/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the Petitioner.
2. Original Application No.203/00440/2015 was filed by the present Petitioner before the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting at Bilaspur (hereinafter referred to as the 'Tribunal'). His prayer was to grant him

notional promotion with effect from the year 1999 with all consequential benefits on the post of Sub-Divisional Engineer. The Tribunal dismissed the original application vide order dated 01.02.2018 on the ground that no case was made out for shifting the date of promotion even notionally from the year 1999 under the facts and circumstances which had emerged in the proceeding before the Tribunal.

3. The Petitioner seems to have had a chequered career. While he was working as a Junior Telecom Officer, he faced four departmental proceedings from 1991 and even a criminal prosecution, before the CBI Court till 2007.

4. In the departmental proceedings, different kind of punishments came to visit him and in the criminal case, he was exonerated by the CBI Court on the basis of benefit of doubt.

5. The reason for the Petitioner to be aggrieved is that sometime in the year 1999, the DPC considered the case of his juniors, but he was left out. When the matter was examined closely, the Respondent-BSNL filed their written statement and took a plea that the DPC took a conscious decision not to grant him promotion as it found him 'unfit' at the time of consideration.

6. That decision of the DPC was not assailed or challenged by the Petitioner and the reason offered at the bar now his lack of knowledge or information.

7. If it was a case of rejection after consideration, then it cannot be a case that merely because he has been now exonerated from the criminal case, which was pending during the period of his consideration for promotion by the DPC, it has to relate back to the year 1999 because it was not a case where the DPC adopted the sealed cover procedure.

8. So long as the decision of the DPC holding him to be unfit for promotion stands, no relief could be granted by the Tribunal shifting his date of promotion on

the post of Sub-Divisional Engineer notionally to the year 1999. Dismissal of the original application therefore cannot be an erroneous decision or view taken by the Tribunal. We do not find any infirmity with the order of the Tribunal which requires rectification in the present writ application.

9. Writ has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)  
**CHIEF JUSTICE**

Sd/-

(Parth Prateem Sahu)  
**JUDGE**

Anu