

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**CP 17/2007  
IN  
O.A. 3346/2002**

**New Delhi this the 15<sup>th</sup> day of May, 2008**

**HON'BLE MR. JUSTICE M. RAMACHANDRAN, VICE CHAIRMAN (J)  
HON'BLE MRS. VEENA CHHOTRAY, MEMBER (A)**

Sh. B.S. Gupta,  
S/o late Shri S.P. Gupta,  
Aged about 61 years,  
R/o 303, Prateek Kunj,  
Sec-21-C, PtIII, Faridabad and  
rtired as Asst. Director, in CWC,  
Sena Bhawan,  
R.K. Puram, New Delhi.

... Applicant.

(By Advocate Shri S.S. Tiwari)

Versus

Dr. R.C. Panda,  
Secretary,  
M/o Statistics & Programmes,  
Implementation,  
Deptt. of Statistics,  
Sardar Patel Bhawan,  
Sansad Marg,  
New Delhi.

... Respondents.

(By Advocate Shri H.K. Gangwani)

**O R D E R**

**Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J).**

A group of 41 Assistant Directors working in various parts of India belonging to Indian Statistical Service had a common cause to approach this Tribunal during the year 2002. At the time of filing the OA, they had been working under the Ministry of Statistical and Programme Implementation. In the matter of promotions, according to them, their claims had been overlooked, and on the basis of the directions made, respondents were to re-examine the matter, by

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preparing yearwise select panels for vacancies pertaining to the years 1996-2003. A review DPC was to be convened and if claims were found as sustainable, their right for further promotions also was to be looked into appropriately.

2. It seems that consequent to the disposal of the application on 02.02.2006, the Ministry had come up with an Office Memorandum dated 12.5.2006, which is Annexure 'CCP-II'.

3. The claims as put in apparently had been rejected, and as seen from the draft charges appended to the application, the allegation is that respondents had failed to act upon as expected of and consequent to the orders passed. The vacancy position had not been examined, it is averred, and the conduct is serious enough for the Tribunal to take action under the Contempt of Courts Act. Respondents entered appearance and had taken a stand that the application was experimental. Especially, it had been highlighted that excepting one person who himself had retired from service; the other forty persons had not raised objections about the manner in which the issue had been examined. We find that additional affidavits had been filed by both parties, to suggest that a full-fledged adjudication about the claims and rival claims may not be out of place.

4. Office Memorandum dated 12.05.2006, which is characterized as objectionable, reveals at least an honest attempt to look into the claims as had been projected. There was necessity to assess the vacancies, which are available. As the examination was being made long after the actual promotions, and retirements, it is evident that it has been possible for the Department to make a fair assessment of

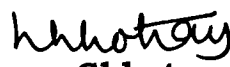


the available vacancies, and they have finally come to a conclusion that there was no discrepancy and as such, no review DPC is required.

5. Of course, Mr. Tiwari appearing for the applicant submits that calculation of vacancies is on a wrong premises and has been carried out on the basis of norms suggested by Office Memorandum issued by the DOP&T in the year 1999 and this had materially curtailed the full claims which otherwise might have been admissible.

6. However, we do not think in these proceedings, such matters are to be gone into. Tribunal had relegated the matter to the Department and had not opted to decide the issue themselves. Now a further probe on the manner in which the claims have been disposed of does not come within the scope of an application under Sections 17 and 27 of the Administrative Tribunals Act. Perhaps this at times might be the fall out of certain general directions. If an individual's claim had been highlighted, and definite directions issued, a more pointed view could have been possible, we feel. But no specific cases had been pointed out in the OA, or decided, and, therefore, the manner in which the issue is decided cannot be found fault with.

7. Therefore, giving liberty to the applicant to proceed as law permits for ventilating his grievance, CP is closed. Notices to respondents stand discharged.

  
(Veena Chhotray)  
Member (A)

  
(M. Ramachandran)  
Vice Chairman (J)

'SRD'