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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 2373/99

New Delhi: this the 20th day of APRIL, 2001. 22

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

J.N. Prajapati,

S/o Late Shri Ram Deen,

Metrological Assistant,

R/o 145-B, Pocket A/3,

Mayur Vihar Phase-III,

Delhi-96

.....Applicant.

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India
through
the Secretary,
Ministry of Food & Consumer Affairs,
(Deptt. of Consumer Affairs),
Krishi Bhawan,
New Delhi.
2. Addl. Secretary,
Ministry of Food & Consumer Affairs,
(Deptt. of Consumer Affairs),
Krishi Bhawan,
New Delhi.
3. Director (Legal Metrology),
Ministry of Consumer Affairs &
Public Distribution,
(Deptt. of Consumer Affairs) ,
Room No. 466, Krishi Bhawan,
New Delhi.
4. Shri Raj Kumar,
Asstt. Director (LM),
Ministry of Food & Consumer Affairs,
Deptt. of Consumer Affairs,
RRSL,
Bhubaneswar.
5. Sh. Harbhajan Singh,
Deputy Director,
Ministry of Food & Consumer Affairs,
Deptt. of Consumer Affairs,
RRSL ,
Ahmedabad.
6. Secretary,
UPSC,
Dholpur House,
Shahjahan Road,
New Delhi.

.....Respondents.

(By Advocate: Shri H.K. Gangwani).

ORDER

S.R. Adige, VC(A) :

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Applicant impugns respondents' order dated 5.5.99 (Annexure-A1) promoting his junior Shri Raj Kumar as Asstt. Director and respondents' order dated 27.5.99 (Annexure-A2) rejecting his representation. He seeks promotion as Asstt. Director with effect from the date his junior Shri Raj Kumar was so promoted with all consequential benefits.

2. As per provisional seniority list of Metrological Assistants as on 1.12.99 (Annexure-A3) applicant at Sl.No.5 is senior to Shri Raj Kumar Respondent No.4 who is at Sl.No.6. The next higher post is that of Assistant Director (Weights & Measures) appointment to which is to be made by promotion, failing which transfer on deputation (including short term contract). The post of Asstt. Director (W & M) is a selection post, and for promotion, Metrological Assistants with 5 years regular service in the grade are eligible. For promotion a group 'A' DPC has to make recommendation to be headed by a Member UPSC.

3. Admittedly the DPC met to make recommendations for filling up the vacancy of AD(W&M). Both applicant as well as Respondent No.4 fulfilled the eligibility qualifications and were therefore considered on the basis of the preceeding ACRs for the relevant period. While applicant was graded as Good, Shri Raj Kumar was rated as 'Very Good'. We have perused the ACRs for the relevant period of applicant as well as Shri Raj Kumar Respondent No.4. Shri Raj Kumar's ACRs are clearly superior to that of applicant and respondents cannot be faulted for giving a better grading to Shri Raj Kumar as a result

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of which he superseded applicant for this post of AD (W & M) which is to be filled by promotion through selection.

4. The main ground advanced by applicant is that he apprehends that his ACRs have been tampered with because although he had submitted his self appraisal form in 1994, 1995, 1996 and 1997, the same were called for again and were possibly rewritten by officers who had never supervised his work. In this connection, respondents have stated in their reply that this ground has no basis. Indeed they state that applicant's ACRs were got completed by the Dy. Director (LM) of the same Directorate as the then Asstt. Director (LM) declined to complete the ACRs stating that applicant was not submitting his files/work through him and as such he would not be able to reflect the true picture of applicant's work and performance in his ACR dossier. As the Dy. Director was supervising applicant's work, being the next senior officer in the hierarchy of the legal metrology division there was no violation of rules in getting the ACRs completed by him as Reporting Officer.

5. In the light of the above, applicant has failed to lay any ^{firm} ~~solid~~ foundation to his apprehension that his ACRs for the relevant years were tampered with/manipulated which might warrant judicial interference in the OA. Furthermore we are informed that applicant has since been promoted as Asstt. Director.

6. The OA is therefore dismissed. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).