

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA NO. 1162/98

New Delhi, this the 14th day of September, 2000

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

J.S.Garg,  
S/o Sh. G.S.Garg,  
R/o Type IV/46,  
North West Moti Bagh,  
New Delhi-110021. .... Applicant  
(By Advocate: Sh. K.C.Mittal)

VS.

1. Union of India through  
Secretary,  
Ministry of Urban Development,  
Nirman Bhavan,  
New Delhi-110011.
2. The Director General (Works),  
Central Public Works Department,  
Nirman Bhavan,  
New Delhi-110011.
3. Sh. Y.S.Sardar,  
Sr. Architect.
4. Sh. N.M.Chipalkatti,  
Architect.
5. Sh. G.K.Kaura,  
Sr. Architect.
6. Sh. A.Sanyal,  
Architect.  
Respondents 3 to 6 through  
Director General (Works),  
C.P.W.D., Nirman Bhavan,  
New Delhi-110011.
7. Mr. S.C.Bhatia,  
Sr. Architect,  
SA (DA) III,  
Public Works Department,  
M.S.O.Building,  
New Delhi-110002. .... Respondents.  
(By Advocate: Sh. Gajendra Giri)

ORDER (ORAL)

By Mr. Govindan S. Tampi,

In this application, Office Order No. 21 of 1998 dated 2.2.1998 promoting four Architects to officiate as Sr. Architects in the CPWD is impugned. The applicant who was

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appointed in the CPWD initially w.e.f. 17.7.69 as Architectural Assistant became a Group 'A' officer as Architect on 23.9.83. His next avenue for promotion <sup>WAS</sup> to the rank of Sr. Architect for which 5 years service as Architect is required. Having completed 15 years of service as regular Architect and being the senior-most Architect, he is eligible for being considered for promotion to the post of Sr. Architect. He was on deputation from 1989 to 1992 to All India Radio, New Delhi. He had also not received any adverse remarks at any point of time. However, by the impugned order, based on the DPC findings four of his juniors have been promoted, while he was left behind. He contends that this has happened on account of the fact that his performance appraisal has brought him down to the level of 'Good' in one year, while the Bench mark for promotion in Group 'A' is 'Very Good'. The result is bad in itself, as his immediate superior who is also Resp. No.7, had not given proper grading to the applicant in the ACRs. He says that while he had obtained gradation 'Very Good' in 1994-95 his report appears to have come down to 'Good' next year. This has come in the way of his promotion. He has, therefore, stated that keeping in view of the decision of the Apex Court in U.P.Jal Nigam & Others vs. Prabhat Chandra Jain & others, 1996 (1) SLR 743 and the decision of the Tribunal in OA-456/2000 Sh. B.L.Srivastava Vs. Union of India & others. The ACR for the period above would have to be also graded as 'Very Good' and he be considered for promotion.

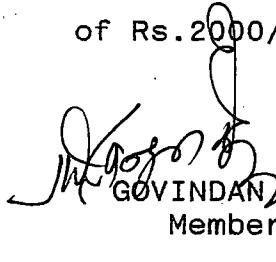
2. Heard the learned counsel for both sides. We have considered the matter. We have also perused the minutes of the meeting of the relevant DPC. We find from the records that the applicant's case has been <sup>considered</sup> ~~concerned~~ with reference to the vacancies which arose both in 1996 and 1997. In both the years he had been categorised by the DPC only as 'Good'. We

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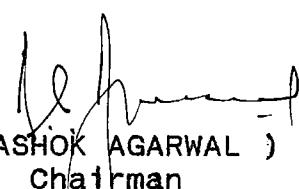
(A)

also perused the general categorisation made in his ACRs. It is seen that out of the relevant years ACRs, during 1992-93 and 1993-94, his overall grading was 'Good'. In 1994-95 his gradation went up to 'Very Good', but came down in 1995-96 to 'Good'. In 1996-97 it became 'Very Good'. The relevant reports for the DPC would be of 1992-93, 1993-94, 1994-95, 1995-96 and 1996-97. Of this period he has been graded 'Very Good' twice but three times as 'Good'. The decision of the Hon'ble Apex Court in the case of U.P.Jal Nigam, cited by the applicant does not help him, as we can only ignore the categorisation, 'Good' awarded in 1995-96, as it was come down from the grading 'Very Good' awarded in 1994-95. We cannot replace the categorisation or upgrade it, as the applicant would like us to do. We had also seen the ACRs for one year earlier and one later. In these years <sup>as well</sup> his overall grading has been only 'Good' and <sup>thus</sup> in the five years' period reckoned either way he has got only two 'Very Good' and he could not have been categorised as 'Very Good' by the DPC. We, therefore, find no fault in the assessment made by the DPC.

3. In view of the above, we held that the DPC has acted correctly in categorising him as 'Good' and, therefore, denying him the promotion. The application, therefore, has no merit whatsoever and <sup>is accordingly</sup> ~~has been~~ dismissed. We also order <sup>the applicant to pay</sup> cost of Rs.2000/- (Rupees two thousand only).

  
GOVINDAN S. TAMPI  
Member (A)

'sd'

  
( ASHOK AGARWAL )  
Chairman