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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.606/1998

New Delhi, this 29th day of June, 2000

Hon'ble Justice Shri V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastri, Member(A)

M.L. Ghosh
Flat No.16D, Gazipur
DDA SFS Complex Sector II
Delhi-96

... Applicant

(Applicant in person)

versus

Union of India, through

1. Secretary
Departmental of Personnel & Training
North Block, New Delhi
 2. Secretary
Ministry of Steel
Udyog Bhavan, New Delhi
- ... Respondents

(By Shri P.H.Ramchandani, Sr. Advocate)

ORDER(oral)

By Reddy, J. -

The OA is filed seeking a direction to hold a review DPC for inclusion of applicant's name in the selection grade select list for the year 1993 and grant him due promotion to the post of Deputy Secretary. The applicant filed OA No.3032/992 wherein he had sought to quash the OM dated 9.11.92 containing 1991 select list of Central Secretariat Selection Grade I Officers considered fit for appointment to the selection grade of CSS as Deputy Secretary to the Government of India. The applicant raised the ground in that OA that his ACRs were not properly assessed by the DPC, hence he was not considered fit for inclusion of his name in the select list of 1991. The Tribunal considered the points raised by the applicant and found that he had only a grading of 'good' during the relevant period and hence he was rightly not promoted. However as the counsel for the applicant mentioned during the hearing of the case that

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some orders have been passed to the effect that a review DPC should be set up to consider applicant's promotion as Deputy Secretary in the next year, the Tribunal observed that it was open to the applicant to agitate the same through appropriate original proceedings in accordance with law, if so advised. The OA was accordingly dismissed by order dated 29.1.98.

2. In the present OA the grievance of the applicant is that the proposed review DPC was not held to consider his case for inclusion in the select list of 1993.

3. We have anxiously considered the applicant's contentions and the arguments of Shri P.H.Ramchandani, learned counsel for the respondents. Shri Ramchandani submits that the case of the applicant has been reviewed to be included in the select list for 1993 on 31.8.95 by a duly constituted DPC but he was not found suitable. We have perused the minutes of the DPC held on 31.8.1995 wherein it is clear that the applicant's name has been considered for the year 1993 select list and as he had only 'good' grading and not 'very good' grading, he was found to be not suitable.

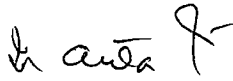
4. Learned counsel for the respondents further submits that after the DPC held in 1992, no further DPC was held till 31.8.95. This DPC considered applicant's case but he was not found suitable. In view of the above, the question of holding a further DPC for inclusion of the name of the applicant in the 1993 select list will not arise.

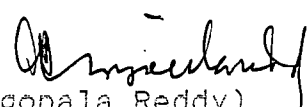


5. The applicant however submits that as he was retiring on 31.3.96, Secretary, Ministry of Steel wrote a DO letter dated 11.3.96 that his case may be considered for inclusion in the select list. Since the case of the applicant was already considered by the DPC held on 31.8.95 before his retirement, for inclusion of his name in the 1993 select list, the question of further review of the applicant's name for the select list of 1993 does not arise.

6. Applicant submits, when we were about to close the judgement, that he would rely upon certain decisions of the Supreme Court and also of this Tribunal in support of the contention that even an employee having 'good' grading is entitled for inclusion in the select list. The applicant however has not cited or produced any such judgements before us. The applicant submits that he would ask his counsel to give case law at a later date; we find the applicant himself has been arguing his case from the beginning. It is seen from the records that he has not engaged any counsel in this case. That apart, the validity of the DPC assessment made on 31.8.95 is not under challenge in this case. Hence, we do not find any justification to adjourn the case after the judgement was dictated.

7. The OA is therefore devoid of merits and is accordingly dismissed. No costs.


(Smt. Shanta Shastri)
Member(A)


(V. Rajagopala Reddy)
Vice-Chairman(J)

/gtv/