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Central Administrative Tribunal, Principal Bench

Original Application No. 1965 of 1995
M.A. No. 2057/1996

New Delhi, this the 28th day of January, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

D.R. Nim
S/o Shri G.R. Nim
R/o B-3/36 Paschim Vihar,
New Delhi-63.

- Applicant

(Applicant in person)

Versus

1. Union of India, service
to be effected, the Secretary,
Ministry of Education,
Government of India,
Shastri Bhawan,
New Delhi.

2. The Lt. Governor,
Raj Bhawan,
Delhi.

3. The Chief Secretary,
5, Alipur Road,
Delhi.

4. The Chairman,
U.P.S.C.,
Shahjahan Road,
New Delhi.

- Respondents

(By Advocate - None.)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

This OA has been filed by the applicant as he is aggrieved of the fact that the respondents have not complied with the judgment pronounced in his earlier OA bearing No. 247/86. No one has appeared for the department to contest the same.

2. We have gone through the judgment which has been annexed as Annexure A-1 which was given in OA 247/86 on 1.7.1987. According to this judgment, the following

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directions were given:-

Accordingly we allow the application to the extent of directing that a review DPC for ad-hoc promotion as Principal consisting of the Chief Secretary, Secretary Education, Labour Commissioner, Finance Secretary and an officer of appropriate seniority belonging to a Scheduled Caste should be constituted and the case of the applicant should be reviewed for ad-hoc promotion as Principal/Vice-Principal as in 1976 and 1977 without taking into consideration the adverse entry which was expunged in 1978. In case the applicant is found fit for promotion as Principal/Vice-Principal in 1976 or 1977 he should be promoted with effect from the date his immediate Scheduled Caste junior officer was so promoted in 1976 or 1977 as the case may be, with all consequential benefits of pay (including arrears of pay), seniority, etc. The application is disposed of on the above lines with the direction that the review DPC as directed above should meet within a period of three months and final decision about his promotion should be taken within a period of one month thereafter. There will be no order as to costs."

3. The grievance of the applicant is that according to the documents which were in possession of the respondents, they did nothing to comply with the directions of the Tribunal.

4. The applicant had also filed CCP 305/1991 in OA 247/1986 and in the CCP it was observed that the applicant had been promoted as Vice-Principal on ad hoc basis w.e.f. 6.10.1977, i.e., the date when his immediate junior was given proforma promotion as Vice-Principal. He was also allowed consequential benefits of pay and allowances and it was specifically mentioned in the order that as regards the promotion of the applicant as Principal, it was brought to the notice of the court that the DPC had considered the applicant for the post of Principal but did

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not find him fit for the post of Principal.

5. The grievance of the applicant is that his junior Sh.M.P. Singh was promoted to post of Principal on 7.9.76 and not to the post of Vice-Principal, so he should have also been given the post of Principal.

6. We have heard the applicant who has argued in person and has submitted his written arguments also. We have also gone through the same.


7. As regards the claim of the applicant regarding promotion to the post of Principal from the date his immediate junior Shri M.P. Singh was promoted is concerned, we find that the same has no merits as it is clear from the documents filed by the applicant himself that the orders on his CCP 305/91, (Annexure A-9) which clearly mentions that the matter was placed before the DPC for considering his case for the post of Vice-Principal and Principal. The applicant was given promotion as Vice-Principal from the date his immediate junior Shri M.P. Singh was given but he was not found fit for the post of Principal. Hence, once the applicant was not found fit for the post of Principal by the DPC, he cannot allege that the directions given in OA 247/1986 have not been complied with.

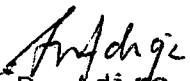
8. In the present OA the applicant has not challenged the DPC proceedings in which he was considered for the post of Principal but not found fit. Hence, we

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find no merits in the OA and the same is accordingly
dismissed. No costs.


(Kuldip Singh)
Member(J)


(S.R. Adige)
Vice Chairman(A)

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