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Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1904/96

New Delhi, this the 9th day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri S.P. Biswas, Member (A)

Shri U.C. Mishra,  
s/o Late Shri R.B. Misra,  
r/o 10/1, New Minto Road Hostel,  
New Delhi. .... Applicant

(By Shri V.K. Rao, Advocate)

-Versus-

1. Union of India through  
Secretary,  
Ministry of Urban Affairs & Employment,  
Nirman Bhawan,  
New Delhi.
2. Secretary,  
Union Public Service Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi.. ... Respondents

(By none)

O R D E R (ORAL)  
(Dr. Jose P. Verghese, Vice-Chairman (J))

The only grievance of the petitioner herein is that in the select list prepared by the D.P.C. in August, 1995 for promotion from the post of Superintending Engineer (C) to the post of Chief Engineer (C), the petitioner's case has not been considered in accordance with rules. The claim of the petitioner is that in case it had been properly considered he would have been placed atleast between serial no. 27 and 28, out of the total 32 candidates in the select list of the said DPC.

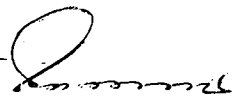
The claim of the petitioner is based on the fact that the petitioner has reasons to believe that his services in the North-East Region has not been considered in accordance with the extant rules and the respondents have not given due consideration for the same while his record was considered by the DPC. The petitioner has made a specific allegation at para 4.5 to the OA and in the reply there is only a feeble comment without giving any factual assertion or denial.

The petitioner's second contention was that admittedly the ACRs of the petitioner were considered for only a period of 6 1/2 years instead of full 8 years and the record shows that the ACRs for the remaining period were not available and averment to this extent was made in the OA. In reply to the said averment, the respondents only have shown to be consistent in not considering the ACRs of all the candidates before the DPC. Under the rules, the DPC is to consider the records of a candidate for full 8 years and in the absence of non-availability of ACRs for the said period, the DPC is to call for the record prior to 8 years and no explanation is forthcoming in the reply to the said averment. Instead here is a statement that the absence of the ACRs has occasioned in all the cases and the records of the candidates have been considered uniformly. We do not agree with the said statement, for the reason that the same is contrary to the existing rules.

The petition has come today for final disposal and none appears on behalf of the respondents. In view of these facts, the only order that could be

passed is that, a review DPC maybe held as on August, 1995 and consider the case of the petitioner afresh giving due regard to the grounds raised. In our view they are substantial grounds and full consideration of the same needs to be given by the respondents while considering the case of the petitioner in the review DPC. After considering the case of the petitioner in the review DPC in the manner cited above and in case the petitioner is found fit, he may be assigned appropriate seniority in accordance with the findings of the said review DPC and he will be entitled to all other consequential benefits.

With these above observations, this O.A. is disposed of with no order as to costs.



(S.P. Biswas).  
Member (A)

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(Dr. Jose P. Verghese )  
Vice-Chairman (J)