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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 948/1996

New Delhi this the 13th day of May, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Shri J. P. Sharma,
Joint Director,
Directorate of Quality
Assurance (Vehicles) in
D.G.Q.A., Department of
Defence Production, Ministry
of Defence, New Delhi, and
R/O E-37, Harit Niketan,
West Enclave, Pitam Pura,
Delhi-110034.

... Applicant

(By M/s Garg Roy & Assn., Advocates)

-Versus-

1. Union of India through
Secretary, Department of
Defence Production & Supplies,
Ministry of Defence, DHQ P.O.,
New Delhi-110001.

2. The Secretary,
Union Public Service Commission,
Shahjahan Road, New Delhi.

3. Shri S. T. Das,
SSO I, Engineering
Discipline (Retd.),

4. Shri V. S. Vashist,
SSO-I, Electronics
Discipline.

... Respondents

ORDER (ORAL)

Shri Justice A. P. Ravani —

The applicant is holding the post of Joint
Director in the Directorate of Quality Assurance
Services. He apprehends that the respondents will
hold a review DPC of Technical Officers of the
earliest defunct cadre of Directorate of
Production and Inspection (Naval) (DIPN) for the
purposes of promotion to the post of Senior
Technical Officer onwards. According to the applicant,

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this is sought to be done on the basis of the representations made by respondents 3 and 4. The applicant also alleges that this Tribunal has held that the judgment of the Hon'ble Supreme Court rendered in the case of A. N. Pathak & Ors. vs. Union of India reported in 1987 (Supp) SCC 763 could not be implemented in view of the subsequent developments and particularly in view of the fact that the cadre of DPIN had already become defunct. The applicant alleges that despite the decision of the Tribunal to the aforesaid effect in the case of V. P. Chandana vs. Union of India & Ors. in O.A. No. 2451/1990 decided on 20.11.1992, the respondents are trying to unsettle the position by holding review DPC. According to the applicant, the review DPC was to be held on May 9, 1996 but on the same date it had not been convened and had been postponed to a future date. The applicant is not in a position to inform the court the date to which the review DPC is postponed.

2. In our opinion, it would not be proper to entertain this application and keep it pending. We are of the opinion that in the facts and circumstances of the case, the following directions would meet the ends of justice at this stage :-

1. The applicant is directed to supply four copies of the application to the Registry of the Tribunal during the course of the day.
2. The Registry of the Tribunal is directed to send a copy of this order to all the respondents together with copy of the application.

3. Respondent No.1, that is, the Secretary, Department of Defence Production and Supplies, New Delhi, is directed not to implement the decision that may be taken by the review DPC in connection with the review of DPC of Technical Officers of the erstwhile defunct cadre of DPIN for promotion to the post of Senior Technical Officers onwards for a period of 15 days from the date of that decision. Respondent No.1 is further directed to intimate to the applicant, X

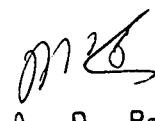
~~Respondents 3 & 4 — the decision that may be taken by the review DPC by registered A/D post and also by ordinary post under certificate of posting, immediately after the decision is taken.~~

~~Substituted under date 17-10-96. JAS/26/96~~

4. It is clarified that if any of the respondents feel aggrieved by the aforesaid observations and directions, it will be open to any of them to move this Tribunal within seven days from the date of receipt of the order.

Subject to the aforesaid observations and directions, this application stands disposed of.


(K. Muthukumar)
Member (A)


(A. P. Ravani)
Chairman

/as/