

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2643/1997

New Delhi this the 28th November, 1997.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

G. S. Mishra

S/O Dr. Prahraj Vinayak Mishra,

R/O D/1/94, Chanakyapuri,

New Delhi-110021.

... Applicant

(By Shri A. K. Behera, Advocate)

-Versus-

1. Union of India
represented through Secretary
to the Govt. of India,
Ministry of Communication,
Dak Bhawan, New Delhi,
Vikas Bhawan, New Delhi-110002.
 2. Departmental Promotion Committee of the
Department of Posts to the
Senior Administration Grade represented
Through Chairman, Postal Service Board
and Director General of Posts,
Dak Bhawan, New Delhi.
 3. Secretary,
Department of Personnel and
Administrative Reforms,
New Delhi.
 4. U.P.S.C. represented through
Secretary,
Dholpur House,
New Delhi-110011.
- ... Respondents

O R D E R

Shri Justice K. M. Agarwal :

This case was heard on admission on 26.11.1997,
but the order could not be passed immediately
thereafter. It is now being delivered.

2. While holding the post of Director in
Junior Administrative Grade, the applicant was
considered by the D.P.C. in 1989 for further
promotion to the post of Senior Administrative

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grade of Post Master General, but his name was not included in the Select List, though the names of his juniors were included. He, therefore, filed O.A.No.99 of 1990 for review DPC, which was allowed by judgement dated 24.11.1995 of Cuttack Bench of this Tribunal. Pursuant to this, a review DPC was held by the U.P.S.C. on 30.8.1996. After perusing the relevant records, the U.P.S.C. again did not find the applicant fit for empanelment in the list prepared pursuant to DPC held in 1989. The applicant was informed accordingly by the impugned Memo dated 22.10.1996, Annexure A-1, which is challenged in this O.A. with a prayer to quash the DPC proceedings dated 30.8.1996 along with A-1. Referring to the order passed in earlier OA No.99/1990, the learned counsel for the applicant submitted that the applicant was promoted to the Senior Administrative Grade in 1991, but by directing review DPC, the Tribunal had directed reconsideration of his case for promotion to the said post in 1989. He first referred to paragraph 31 of the order, which contains certain strictures in regard to violation of executive instructions by the reporting and the reviewing officers. They have nothing to do with the review DPC that was directed. He then drew our attention to the observations of the Tribunal at internal page 41 of the order to submit that the Tribunal was satisfied that "all the material required to be considered for an overall assessment of the applicant does not appear to have been considered by the DPC" and that on that ground, a review DPC was ordered. However,

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the materials before us do not indicate that the said mistake was repeated during the review DPC. Similarly the observations of the Tribunal in paragraph 23 of its aforesaid order also do not warrant any conclusion for interference with the review DPC held on 30.8.1996. For all these reasons, we find no merit in this O.A. and accordingly it is hereby summarily dismissed.

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(K.M.AGARWAL)
CHAIRMAN

R.K. Ahuja

(R.K.AHUJA)
MEMBER (A)

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