

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.116/96 IN
O.A.1680/95

New Delhi this the 18th day of October, 1996.

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Dr A. Vedavalli, Member (J)

G.S. Khorana,
24-C, Pocket B,
Siddhartha Extn.
New Delhi.

.... Applicant

(By Advocate : Shri M.K. Gupta)

VERSUS

1. Director General
C.S.I.R.
Anusandhan Bhawan,
Rafi Marg,
New Delhi-110001.

2. Central Road Research Institute,
through its Director
Mathura Road,
New Delhi.

.... Respondents

(Respondents : Shri V.K. Rao)

Order (Oral)

(By Hon'ble Shri S.R. Adige, Member (A))

In this R.A. bearing No. R.A.116/96, the applicant Shri GS Khorana has sought review of impugned judgement dated 24.5.96 in O.A.1680/95 G.S. Khorana vs UOI.

2. Basically two grounds have been pressed by the applicants counsel Shri M.K. Gupta in the R.A. The first ground is that in the impugned judgement, the Tribunal did not take cognizance of the fact that applicant had joined service as far back in 1962, and proceeded on the basis that the applicant had commenced service as J.E. (Special grade) w.e.f. 27.11.1975. The second ground is that the Tribunal failed to take note of

Relief No.3, namely a declaration that subjecting the applicant to face a fresh DPC for considering him for promotion to the next higher grade was illegal, arbitrary and against the settled law.

3. In so far as the first ground is concerned, we note from paragraph 7 of the impugned judgement dt 24.5.96, that the Tribunal in its impugned judgement had specifically taken note of the fact that the applicant had joined as overseer w.e.f. 7.2.62 and had gone on to hold that the period of 6 years approved service would commence only from the date he was promoted as J.E. (Special Grade) w.e.f. 27.11.75. Under the circumstances, in regard to the first ground it cannot be said that there has been any error or mistake apparent on the face of record.

4. Coming to the second ground we note that being promoted as ~~J.E~~ J.E (S.G) w.e.f. 27.11.75 & completing 6 years approved service on 27.11.1981, the applicant became¹ eligible for promotion as A.E., but as observed by the Tribunal in Para 4 of its judgement a penalty of one year loss of increment without cumulative effect was imposed upon him w.e.f. 5.6.82 and he was considered for promotion as A.E. w.e.f. 5.6.83, but that punishment was subsequently reduced to one of censure & the increment withheld from 5.6.82 for 1 year was subsequently restored making him eligible for assessment from his due date i.e. 27.11.81 instead of 5.6.83.

5. The respondents now propose to consider him for promotion w.e.f. 27.11.1981, in respect of which as per rule they are required to hold a DPC. The applicant in his O.A. had contended that his entire service record was considered in the earlier DPC and this fact was not specifically rebutted by the respondents in their reply. It is stated that the respondents will have to consider the applicants C.R. upto the period 31.3.81 for the DPC scheduled for 27.11.81 and the applicant would also be required to be subjected to a fresh interview.

6. As the purpose of such an interview is basically to assist the personality of the candidate and as the applicant was already interviewed in the DPC to consider promotion w.e.f. 5.6.83 there appears to be no good reason why the applicant should be subject to a fresh interview now that his promotion is to be considered w.e.f. 27.11.81.

7. Under the circumstances, we hold that while the impugned judgement dt 24.5.96 requires no review, when the respondents do hold the DPC to consider the applicants case for promotion w.e.f. 27.11.1981 they will not subject him to a fresh interview. With these observations the R.A. stands ~~disposed of~~. No costs.

A. Vedavalli

(Dr A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Member (A)

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