

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 2043/2000

(6)

New Delhi, this the 31st day of October, 2001

HON'BLE SH. ASHOK AGARWAL, CHAIRMAN  
HON'BLE SH. S.A.T.RIZVI, MEMBER (A)

Dr. N.K.Mazumdar,  
R/o G-179, Type IV,  
Nanakpura, New Delhi. .... Applicant  
(By Advocate: Sh. D.S.Mahendru proxy for  
Sh. S.K.Anand)

Versus

1. Union of India  
through Secretary,  
Government of India,  
Ministry of Industry,  
Nirman Bhawan, New Delhi.
2. The Deputy Director (Admn),  
Small Scale Industries,  
Ministry of Industry,  
Nirman Bhawan, New Delhi.
3. The Development Commissioner,  
(Small Scale Industries)  
Nirman Bhawan, New Delhi. .... Respondents  
(By Advocate: Sh. K.R.Sachdeva)

ORDER (ORAL)

By Sh. S.A.T.Rizvi, Member (A)

Applicant who became a Deputy Director in the respondents organisation in 1981 was promoted as Director in the same organisation on ad hoc basis on 7.2.91. He was reverted to the post of Deputy Director w.e.f. 23.8.95 by respondents order of 31.8.95 (Annexure A-4). Several persons junior to the applicant were also likewise promoted as Director by respondent authority's order dated 30.6.94 (Annexure A-3). Out of them some have been regularised as Director by respondent authority's notification dated 20.10.95 (Annexure A-5). The applicant, however, after reversion, continued to be a Deputy Director until he retired from service on 30.9.2000. While in service the applicant made several representations seeking promotion inter alia on the ground that his junior had been regularly promoted. He served a

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legal notice also on the respondent authority. The same has been considered and the applicant's representations have been rejected finally on 5.9.2000 (Annexure A-1) on the ground that though he was assessed for promotion in the DPC meetings held on 1.8.95, 11.3.97 and lastly on 9.1.98, the applicant was not found suitable for promotion as Director.

2. Learned counsel appearing on behalf of the applicant submits that he was considered but not promoted on account of certain adverse entries made in his ACR in respect of 1991-92 and 1992-93. According to him the aforesaid adverse remarks were expunged on 25.3.96, and therefore, the applicant should have been considered for promotion.

3. Learned counsel appearing on behalf of the respondents has placed before us the relevant Recruitment Rules which provided as under:-

"In respect of posts which are in the level of Rs.3700-5000 and above, the benchmark grade should be 'Very Good' and will be filled by the method of Selection by Merit as indicated in sub-para (iv)."

According to him, the case of the applicant for promotion has been considered in accordance with the aforesaid rule and on each occasion the applicant was found unfit for promotion. The original record of the DPC meetings has been placed before us. We have perused the same and find that the applicant's case was indeed considered in the DPC meetings on the aforesaid dates and on each occasion he was found unfit for promotion as his work and conduct was found to be of an

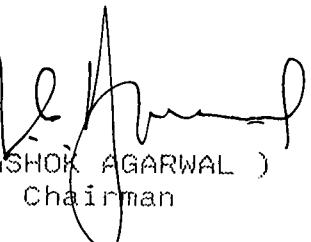
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average standard. In the DPC meeting held on 11.3.97, the committee had taken note of the fact that the adverse remarks entered in his ACR for the years 1991-92 and 1992-93 had been expunged. However, despite expunction of the aforesaid remarks, the committee had found him unfit for promotion.

5. In the aforesaid circumstances, we find that the applicant's reversion to the post of Deputy Director and his non-promotion to the rank of Director are both in order and consistent with the rules and regulations on the subject and are totally justified. The OA is, in the circumstances, dismissed. There shall be no order as to costs.



( S.A.T. RIZVI )  
Member (A)



( ASHOK AGARWAL )  
Chairman

"sd"