

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 317/2000

New Delhi this the 26th day of May, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Faquir Chand Sharma
S/o Late Shri S.R.Sharma,
R/o 326-B, Main Wali Colony,
Gurgaon. ... Applicant

(Applicant in person)

-Versus-

1. Union of India through Secretary,
Ministry of Urban Affairs & Employment
Nirman Bhawan,
New Delhi.
2. The Principal Accounts Office,
Ministry of Urban Affairs & Employment
Nirman Bhawan,
New Delhi. ... Respondents

(By Sh.V.S.R.Krishna, Advocate)

O R D E R (ORAL)

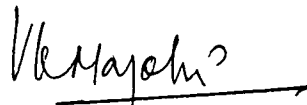
Shri Justice Ashok Agarwal :

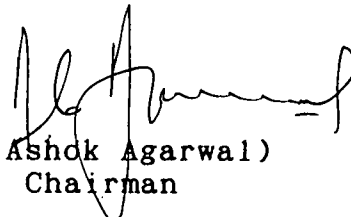
Applicant has been promoted to the post of Senior Accountant (Functional) grade with effect from 28.6.1991. By the present OA, he claims promotion with effect from 1.4.1987. Apart from the fact that the present OA has been filed beyond the period of limitation, we find that even on merits, no relief can be granted as prayed for.

2. In disciplinary proceedings conducted against the applicant, a penalty of withholding of two increments without cumulative effect was imposed upon him by the disciplinary authority on 22.5.1987. The said penalty was subsequently reduced to six months by the revisionary authority on 29.11.1990. Moreover, adverse remarks were made in applicant's Annual

Confidential Report for the year 1986. The same were duly communicated to him. He represented against the same. The same was, however, not accepted and the adverse remarks were maintained. In the circumstances when the D.P.C. met on 11.12.1987 and 6.4.1988, he was not considered fit for promotion. No exception can, therefore, be had to the decision taken by the D.P.C. When the D.P.C. met on 28.6.1991, his claim was once again considered and he has been granted promotion. Denial of promotion by the D.P.C. when it met on 11.12.1987 and 6.4.1988 cannot, in our view, be successfully assailed in view of the penalty imposed against the applicant in the disciplinary proceedings conducted against him as also the adverse remarks contained in his Annual Confidential Report. 5

3. Present OA in the circumstances is dismissed.


(V.K. Majotra)
Member(A)


(Ashok Agarwal)
Chairman

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