

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 440/2000

New Delhi this the 18th day of July, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

Shri Her Charan Singh Dhody
S/o Sardar Raghubir Singh Dhody
Presently R/o D-428 Defence Colony
New Delhi. ... Applicant

(By Mrs.Meera Chhibber, Advocate)

-Versus-

1. Union of India through
foreign Secretary,
Ministry of External Affairs
Government of India, South Block,
New Delhi.
2. Secretary (East)
Ministry of External Affairs
Government of India, South Block
New Delhi. Respondents

(By Shri K.C.D.Gangwani, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

The short grievance which has been raised by the applicant in the present OA is that whereas his juniors have been promoted to Grade-I, his claim for promotion has been bypassed. He has pointed out that two DPCs were held, one on 20.4.1998 and the other on 13.1.2000. In both the DPCs, claim of the applicant has been overlooked and his juniors have been promoted. According to him, his record is clean and there is no justification of his being superseded.

2. In view of the claim made, notices were directed to be issued by an order passed by us on

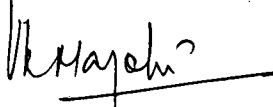
16.3.2000. Respondents have put in their counter and applicant has put in his rejoinder. Pleadings in the case are now complete. Counsel for the respondents has also produced the proceedings of the DPC meetings held in 1998 and in 2000 for our perusal. Having regard to the aforesaid facts, we have heard the learned counsel appearing for the contending parties and accordingly ^{have} proceeded to dispose of the OA finally on merits.

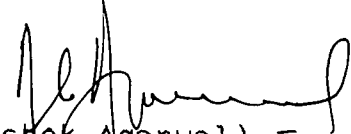
3. The DPC proceedings of 1998 show that the claim of the applicant had been duly considered and he had been found ineligible. The minutes of the meeting show that the benchmark for Grade-I of IFS has been fixed as "Very Good" whereas the applicant has been categorised as "Good". In the circumstances, 13 officers who have secured the benchmark of "Very Good" have been empanelled, applicant and one other who had secured the benchmark of "Good" have been superseded. As far as the DPC which was held in 2000 is concerned, the process appears to have been initiated in January 2000, however, the DPC met on 5.5.2000. As was the case in the earlier meeting of the DPC, the benchmark for the latter DPC was also fixed as "Very Good". As far as the applicant in the instant case is concerned, he has been empanelled for Grade-I as he has been assessed as "Very Good". Applicant in the circumstances along with others who have also been assessed as "Very Good" are now in the process of being empanelled. Final orders, however, have not been passed in view of the pendency of the present OA. In the circumstances, we do not find that any justifiable grievance can be made by and on behalf of the applicant.

4. Mrs. Meera Chhibber, learned counsel appearing on behalf of the applicant have sought to contend that the applicant was found meritorious in 1996 when he was promoted to Grade-II. There was nothing adverse against him. He could not, therefore, be downgraded to "Good" in the DPC meeting held in 1998. Applicant in the circumstances is entitled to be empanelled for Grade-I in 1998. 8

5. In our judgement, we find no merit in the aforesaid contention. Being found "Very Good" for empanelment in Grade-II is wholly irrelevant as far as the further promotion to Grade-I is concerned. Grading of applicant in 1996 for the purpose of being placed in Grade-II ^{will not entitle him to a similar grading} ~~is, therefore, wholly irrelevant~~ as far as his grading for being placed in Grade-I is concerned. Aforesaid contention in the circumstances is rejected.

6. Having regard to the aforesaid facts, nothing now survives in the present OA. Present OA in the circumstances is disposed of. However, it will now be open to the respondents to issue formal orders in regard to promotion to Grade-I. In the circumstances, there will be no order as to costs.


(V.K. Majotra)
Member (A)


(Ashok Agarwal) -
Chairman

sns