

Central Administrative Tribunal
Principal Bench, New Delhi.

(5)

O.A.1426/89

New Delhi, This the 13th April 1994

Hon'ble Shri N. Dharamadan, Member(J)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

Vir Chandra
son of Shri Khem Chandra
Aged 60 years and
Resident of
Quarter No.382/Sector IX
R K Puram
New Delhi 110022

...Applicants

By Advocate Shri D C Vohra

Versus

Union of India Through

1. Cabinet Secretary
Cabinet Secretariat
Government of India
South Block
New Delhi - 110011.
2. The Cabinet Secretariat
through its Lt Secretary(Pars)
8-B, South Block
New Delhi - 110011.

..Respondents

By Advocate Shri M K Gupta

O R D E R (ORAL)

Hon'ble Shri N Dharamadan, Member(J)

1. A retired Under Secretary is before us with a grievance that he was denied promotion with effect from 1980 i.e. on the date of promotion to his immediate junior. According to the applicant he belongs to SC community and he was entitled to all the benefits of extended zone of consideration for the promotional post and these were also denied to him in violation of Articles 16(4), 46 and 335 and the administrative instructions issued by the Govt of India from time to time. According to the applicant he has put in 8 years of approved service and he further

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stated the second respondent dug up old records after a period of 6 years and ordered an enquiry proceeding with the object of denying promotion along with his juniors. The applicant further stated that some of his juniors have been promoted without considering the case of the applicant for promotion.

2. Along with the original application, applicant annexed Annexure/H-2 which was passed by the disciplinary authority on 22.12.1976 imposing a penalty of reduction to the lower time scale of the post of Assistant in the scale of Rs.425/-800 for a period of three years without affecting the future increments. According to the applicant he could have been considered for promotion in the DPCs held during 1980 to 1984. Aggrieved with this he filed this DA with the prayer for quashing the orders passed on 29.12.88 and 6.4.84 and requested for a direction to Respondents 1 and 2 to give the applicant the benefit of extended zone of consideration as admissible to scheduled caste candidates and to grant him notional promotion as Asst Director/Under Secretary with effect from the date of promotion of his juniors with all consequential benefits. At the time of the hearing the learned counsel for the applicant stated that he does not press ^{for} the first prayer of quashing and setting aside of the orders dated 29.12.88 and 6.4.84. He insisted for a direction to grant the applicant a notional promotion on the ground that the applicant was denied chance for promotion along with the juniors on account of the pending ^{disciplinary} proceedings which was initiated to deny his promotion. After hearing the counsels on both sides we have

decided that the case can be disposed of after perusing the DPC proceedings held for the aforesaid posts during the years from 1981 to 1984. Accordingly the learned counsel for the respondents placed before us for our consideration the records of DPCs mentioned above for a period of 4 years. We have carefully examined the records. The applicant's case was considered by the DPCs but the DPCs did not recommend the case of the applicant for promotion to the post of Under Secretary as claimed by the applicant. The respondents even produced the review DPC proceedings relating to the DPC held in 1979 and here too the applicant was not found fit for empanelment. The learned counsel for the respondents mentioned across the bar that no DPC was held in the year 1980.

3. The applicant's case was cleared for promotion in the year 1984 and accordingly he was given promotion. After examining the DPC proceedings we are satisfied that this OA has no substance and is dismissed as being devoid of any merit. No costs.

P. T. Thiru
13/4/94
(P.T. THIRUVENGADAM)
Member (A)

N. Dharamadan
13.4.94
(N. DHARAMADAN)
Member (J)

LCP