

8

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1546/88

New Delhi this the 1st day of December, 1993.

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

D. B. Kunte S/O Late Shri B. B. Kunte,
Associate Town & Country Planner,
Office of Chief Planner, Town and
Country Planning Organisation,
E-Block, Vikas Bhawan,
I.P. Estate, New Delhi-110002. ... Petitioner

By Advocates Shri R. Dooraiswamy &
Shri Sant Singh

Versus

1. Union of India through its
Secretary, Ministry of Urban
Development, Nirman Bhawan,
New Delhi.
2. Shri Abdul Qaiyum,
Associate Town & Country Planner,
Town & Country Planning Org.,
Office of the Chief Planner,
Town & Country Planning Organisation,
Vikas Bhawan, I.P. Estate,
New Delhi - 110002. ... Respondents

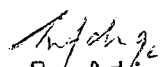
By Advocate Shri M. L. Verma


O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath :-

The Grievance of the petitioner, Shri D. B. Kunte, is that he has been arbitrarily superseded in the matter of promotion by selection to the post of Town Planner. He complains that respondent No.2 has been favoured for the appointment not on the basis of merit but on the basis of other irrelevant considerations. To satisfy ourselves about the apprehensions of the petitioner in his mind, we looked into the proceedings of the DPC as also the ACRs of the petitioner and Shri Abdul Qaiyum. Both the officers had worked under

different reporting officers including Shri Ribero and their ACRs have been reviewed by different reviewing officers at different times. On a comparative analysis of their ACRs, it is not possible to take the view that Shri Ribero under-rated the petitioner and over-rated Shri Abdul Qaiyum, Respondent No.2, for any collateral reasons. On the over all assessment, the DPC has rated Shri Abdul Qaiyum as 'outstanding' while rating the petitioner as 'very good'. Though the petitioner is the seniormost amongst the candidates who came within the zone of consideration, as respondent No. 2 was rightly assessed superior to the petitioner by the DPC, his promotion by selection cannot be said to be arbitrary. Therefore, there was no justification for the complaint that there has been arbitrariness in the matter of preferring respondent No.2, Shri Qaiyum, over the petitioner in the matter of promotion by selection. Hence, there is no good grounds to interfere in the matter. This application is accordingly dismissed. No costs.


(S. R. Adige)
Member (A)


(V. S. Malimath)
Chairman

/as/