

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 225 of 1988.

Date of decision: 18.2.92

Bhupinder Singh

Applicant

vs.

Union of India

Respondents

PRESENT

Shri R.L. Sethi, counsel for the applicant.

Shri P.H. Ramchandani, Sr. Counsel for the respondents.

CORAM

Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J):

Hon'ble Shri I.P. Gupta, Member (A).


The applicant in this case was appointed as U.D.C. with effect from 14.3.77. His next channel of promotion is that of Tax Assistant. The applicant fulfilled the qualifications of eligibility, namely, experience, passing of the departmental exam. etc. by 1980. The applicant contends that vacancies were clubbed in different years of eighties and even ineligible persons were considered whereas the applicant was not considered.

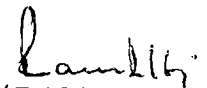
2. The learned counsel for the respondents pointed out that D.P.Cs were held almost regularly between 1982 and 1986 and the applicant was not in the consideration zone because of his seniority position except for the fact that in 1982 he came within the consideration zone because of the large number of vacancies to the tune of nearly 70. In 1982, when he was within the consideration zone, he was duly considered, but as he was at Sl. No. 72 of the general list, he could not be empanelled as only 64 persons were empanelled. The applicant's case for clubbing of vacancies does not, therefore, stand. However, we find that in 1987, the applicant was within the consideration zone and he was considered, but found unfit. In this connection, it may be mentioned that a penalty of withholding of two increments with cumulative effect was inflicted upon the applicant on 19.12.86. This penalty was, however, later treated as recalled by order dated 28.10.88. Therefore, when the

D.P.C. ^{met} ~~said~~ in 1987, the penalty of withholding of two increments was in their sight. This penalty having been recalled, direction is hereby given that a Review D.P.C. might sit as on 26.3.87 and consider the case of the applicant alongwith the others to determine his suitability or otherwise. Subsequent action, as may be ^{warranted} ~~volunteer-~~ ^{ed}, may be taken on the recommendations of the Review D.P.C. In case, he is found fit, he may be ~~promoted~~ along with others found fit by the D.P.C. on 26.3.87, according to his seniority with the stipulation that his pay would be fixed notionally and no back wages would be admissible for the period the applicant has not actually worked as Tax Assistant. This Review D.P.C. should sit within a period of four months from the date of receipt of a copy of this order.

3. The learned counsel for the respondents brought out that the relief sought by the applicant in the main application was reconsideration by the DPCs of the years 1980, 1981, 1982, 1983, 1984, 1985 or 1986 and the applicant did not make any request for Review D.P.C. of 1987. However, we find that the applicant has made an applica^{tion} for amendment of O.A. so as to include the Review D.P.C. for 1987 as well. In view of this M.P. of the applicant, which we have allowed, the direction for a Review D.P.C. of 1987 has been given above. This has been argued today and the amendment as requested in the M.P. dated 18.2.92 is also allowed today in the interest of justice. The amendment allowed has been incorporated in the main O.A.

4. With the aforesaid directions, the O.A. and the M.P. are disposed of with no order as to costs.


(I.P. GUPTA) 18/2/92
MEMBER (A)


(RAM PAL SINGH)
VICE-CHAIRMAN (J)