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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH NEW DELHI

Original Application No. 1647 of 1987

J.M. Sharma . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. S. R. Adige, Member (A)

~~xxx~~ ( By Hon'ble Mr. Justice U.C. Srivastav, V.C.

The applicant ~~who~~ was working as a Assistant Director, in the Department of Telecommunication. The applicant at the relevant point of time joined the department in the year 1985 on a lower post. He was posted as Assistant Director ,long term planning with effect from 8.9.86 to 22.12.86 and he was posted as Assistant Director General(L) with effect from 14.8.81 to 7.9.86. The grievance of the applicant is that he has not been considered for the promotional post of Senior Class I(Assistant Director General) department of the telecommunication ,was a post for which the promotion is on the basis of "seniority-cum-fitness, and the applicant being senior to those who have been promoted and was even not considered by the department. The department promotion committee failed to recommend the name of the applicant for being considered for the promotion to the post of Senior Class I post(Assistant Director General), in the year 1987. In the year 1984 also he was denied a similar consideration by the D.P.C. and in the year 1987 his record for the year 1985-86 was deliberately not sent so that he may not be selected

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Although, he has been officiating continuously for more than five years in the promotional post and as such he was fit to be considered for promotion to the post of Divisional Engineer(~~xxxxxx~~ Senior Class-I), but the same was not promoted and that's why he has prayed that the order by which he has been denied the promotion i.e. 16.4.1987 be quashed and the respondents be directed to review the candidature of the applicant for ~~xxxxxxxxxxxx~~ the promotion post and promote him to the said post.

2. The respondents have refuted the claim of the applicant and have pointed out that the necessary facts have not been mentioned by the applicant. As a matter of fact the applicants' service record was concealed by the D.P.C. and because of low grading secured by him, he could not have placed in the panel, as sufficient number of more meritorious officers were available on both the occasion. The selection on merit is to be made from amongst the officers of TES group 'B' service with not less than 8 years continuous and approved service in group 'B' on the recommendation of the DPC and in consultation with the UPSC and not on the basis of seniority-cum-fitness as alleged by the applicant and in this connection a reference may also be made to the C.M. dated 31.12.1986 which provides for grading of officers in three categories 'very good' and 'good'. The applicant was considered in the month of November 1984 and in February 1987. The A.C.R. from 1981-82 to 1984-85 were available before the D.P.C. for consideration, but the ~~xxx~~ A.C.R. for the year 1985-86 was not available. On examination from his service records, for the year 1985-86 it was found that he worked under various officers for a period less than 3 months during the year no C.R. was written. As the case of the applicant was considered by the D.P.C. in the year 1984 and 1987 and because of low grading

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1984 and 1987 and because of low grading , the applicant could not have been considered . The gradation list was given by the committee which have got a right to do so. The tribunal cannot sit in assessment over the gradation so made. Accordingly, we do not find any ground to interfere in the matter and as such the application is dismissed.

*Anfolige*  
Member (A)

*LS*  
Vice-Chairman

Dated: 18.3.1993.

(RKA)