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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: N.DELHI.

O.A. 1752/87.

Date of decision: 30.4.1993.

Hakam Singh Bamrah.

Petitioner.

Versus

Union of India & Ors.

Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A).

For the Petitioner.

Shri Sant Lal, Counsel.

For the Respondents.

Shri P.P. Khurana,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

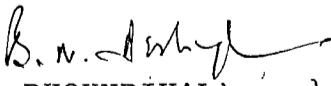
The petitioner started his career as Sorting Assistant on 1.3.1965. A time bound promotion scheme was introduced on 30.11.1983 for giving benefit to those who had rendered 16 years of service in the basic grade and were found fit and suitable for such promotional scale by an appropriately constituted Promotion Committee. The petitioner had completed 16 years of service on 1.3.1981 and was, therefore, eligible for consideration for time bound promotion w.e.f. 30.11.1983. The case of the petitioner was considered and an order was made as per Annexure A-1 to the effect that the petitioner has not been found fit for such promotion under the scheme. His name is at Serial No. 12. He made a representation on 24.4.1984 and the same was not conceded. The petitioner's case was again considered and an order

was made as per Annexure A-2 saying that the petitioner was not found fit for promotion. The appeal filed by the petitioner came to be dismissed on 14.6.1985. The third time petitioner's case was again considered and he was not found fit as is clear from Annexure A-4 dated 31.10.1985. The petitioner made a representation against the same which came to be rejected by Annexure A-5 dated 17.11.1986. It is in this background that the petitioner has approached this Tribunal for relief.

2. Shri Sant Lal, learned counsel for the petitioner, maintained that on each occasion several hundred of persons have been given promotion and a large number of persons junior to the petitioner have been given such benefits. It is submitted that no reasons have been given for not giving promotion to the petitioner and even when he made the representation and appeal, he was not given any reason for not considering him for promotion. He further submitted that in the circumstances the decision should be regarded as arbitrary calling for interference. Under the scheme, the claims of eligible persons are required to be placed before the appropriately constituted Promotion Committee who has to examine the confidential records and other service particulars to assess the suitability for according the promotional scale. On all the three occasions the case of the petitioner was considered by the D.P.C. and he was found not fit and suitable. The right of the petitioner under the scheme is for consideration of his case for promo-

tion. That right has been respected and the petitioner's case was duly considered. It is/ possible, in the absence of any positive material before us, to take the view that the decision of the DPC is arbitrary and, therefore, ~~is~~ liable to be interfered. There is no good reason to doubt the bonafides of the proceedings of the DPC on all the three occasions. This is sufficient to dispose of this O.A. However, Shri Sant Lal, learned counsel for the petitioner, placed for our perusal during the course of the arguments what purports to be a memo issued by the Director Postal Services, Chandigarh dated 8.5.1987. It says that the petitioner, Shri Hakim Singh Bamrah, SA SRO Bhatinda was due to cross Efficiency Bar w.e.f. 1.2.1984 and that he has now been allowed to cross the Efficiency Bar w.e.f. 1.2.1986. The fact that the petitioner has been allowed to cross the Efficiency Bar w.e.f. 1.2.1986 cannot have any bearing on the impugned orders. Besides, this is a material which has been produced during the course of the arguments and the respondents ~~have~~ no opportunity to meet the same. We would also like to advert to the fact that the petitioner has subsequently earned promotion under the scheme as is clear from the order Annexure A-9 dated 19.8.1987.

3. For the reasons stated above, this petition fails and is accordingly dismissed. No costs.


(B.N. DHOUNDIYAL),

MEMBER(A)


(V.S. MALIMATH)

CHAIRMAN

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