

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 360 1987
T.A. No.

DATE OF DECISION 23-6-1987.

G.S. Bhadwal

Petitioner

Applicant in person.

Advocate for the Petitioner(s)

Versus

Director General, AIR,
New Delhi and another

Respondent

Shri M.K. Gupta,

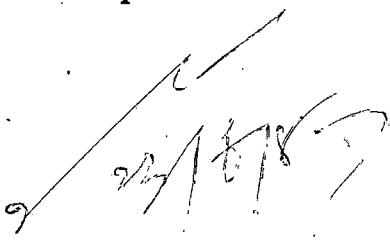
Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice G. Ramanujam, Vice Chairman

The Hon'ble Mr. Birbal Nath, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?


(Birbal Nath)
Member


(G. Ramanujam)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN No. OA 350/87

Date of Decision 23-6-1987.

Shri G.S. Bhadwal

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Applicant

Vs.

Director General, A.I.R.
New Delhi and another

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Respondents

CORAM:- Hon'ble Mr. Justice G. Ramanujam, Vice Chairman
Hon'ble Mr. Birbal Nath, Member

For the Applicant Applicant in person.

For the respondents Shri M.K. Gupta, Advocate.

(Judgement of the Bench delivered by Hon'ble
Mr. Justice G. Ramanujam, Vice Chairman.)

JUDGEMENT

The applicant, complaining about his non promotion to the post of Reporter (Monitoring) seeks a direction for promotion as also retrospective seniority in the promoted post in this application. The circumstance under which the applicant has come up seeking the above relief may briefly be noted. The applicant joined the service of the respondent as Junior Stenographer on 11.10.1957. Subsequently, he was promoted to the rank of Senior Stenographer and has been working in the General News Room, News Services Division, All India Radio, since 11.1.1961. The next avenue of promotion is as Reporter (Monitoring). According to the applicant though he is a double post graduate and also fully qualified for the promotional post of Reporter (Monitoring) he has not been considered for promotion. He claims that

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occasionally he has done the jobs allotted to class I officers and his work has been prised by the superiors. The applicant's case is that as he is fully qualified and has sufficient working experience, he should have been promoted. But on the contrary his juniors who were only SSLCs were being promoted from time to time overlooking his claim for promotion. Having regard to the grievance of the applicant regarding his non promotion, a notice was given to Sh. N.S.Mehta the counsel for the respondent and he was asked to produce the relevant recruitment rules as also the relevant D.P.C. proceedings, to see whether the applicant has been considered for promotion or not. Today learned counsel for the respondent has produced the requisite recruitment rules and the various D.P.C. proceedings when the applicant's claim for promotion was considered. It is stated by Sh. M.K. Gupta, that since the applicant had not obtained the requisite grading, he was not included in the selection list and was not promoted.

2. We have perused the recruitment rules and it is found that Reporter (Monitoring) is a selection post and not a promotional post which can be claimed by the applicant by sheer seniority. Once it is a selection post there should be a positive act of selection by the D.P.C.. Minutes of the D.P.C. meetings have been produced before us. It is seen from those porceedings from 1982 upto the year 1986 the applicant came within the zone of consideration and his claim was considered but he was not selected inview of the fact that he did not obtain the requisite grading.

3. The D.P.C. was held on 17.1.82 and we find that the applicant was shown at Sr. No. 17 in the list of eligible candidates prepared on the basis of seniority and on

comparative merits he got the grading "very good". In the said selection there was only 12 vacancies and all the 12 persons selected at that time obtained higher grading or the same grading. None of the junior to the applicant had been selected by the D.P.C. in that selection.

4. There was again selection by the D.P.C. on 3.3.84, in this selection, he was item No. 11 of the eligible list and the grading obtained by him was "Good". At that stage there was only four vacancies and four persons were appointed and they were admittedly senior to the applicant and they obtained the grading of "Very Good" while the applicant got the grading of "Good". There was D.P.C. proceeding on 22.8.85 and in the list of eligible candidates the applicant was shown as item No. 5 and he got the grading "good". At that time also none of his juniors has been selected. There are two people above him and they got the grading "outstanding" and "very good". There was another D.P.C. meeting on 11.12.86 and in the list of eligible candidate the applicant was shown as Sr. No. 3. But the applicant got the grading of "good" while his two seniors and some of his juniors got the grading of "very good". Two seniors and two other junior persons have been selected in that selection.

5. There was another D.P.C. on 4.8.86 and the applicant name was shown as No. 1 in the list of eligible candidates. He has got "good" grading and most of his juniors got "very good" grading. There was another D.P.C. on 31.3.87 in which the applicant was shown as No. 1 in the list of eligible candidates and applicant was graded

only as "good". Other people got higher grading were selected. Thus on the earlier occasions only seniors to the applicant have been promoted. Only in this selection the applicant was superseded by his juniors. Non selection of the applicant is only due to low grading he has got at the time of assessment of the merits by the D.P.C.. When this was pointed out to the applicant, the applicant would say that the efficient work he has done has not been found in the confidential report and that there was no proper grading of the D.P.C. It is also pointed out that there was no adverse remarks in his confidential report. If there is an adverse remarks he would have an opportunity to question those adverse remarks. Normally D.P.C. goes through the confidential report for the preceding five years and in this case the applicant's merits have been assessed in comparison with others. Therefore, it is not possible merely to go by the confidential report of the applicant. However, it is said that entries in the confidential report have not been properly recorded and this has lead the D.P.C. to grade him lower. It is not for us to analyse the confidential report to find out whether the applicant is better than other candidates selected. When there was D.P.C. which has been invested with the powers to assess the merits of the eligible candidates and graded them as per their assessment, we do not see how we could take over that power allotted to the D.P.C. and undertake the job of assessing the merits in comparison with other eligible candidates. We find that the applicant is under misapprehension that the post of Reporter (Monitoring) is a promotional post. But we find that the post is a

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selection post and seniority alone cannot be the sole criteria. As already stated the D.P.C. on every occasion assessed the performance of the applicant and other eligible candidates and gave the grading. The D.P.C. consisted of D.D.(G) as Chairman and two other Members. D.P.C. acted fairly and reasonably while assessing the merits of each eligible candidates. The applicant merely on the basis of seniority or on the basis of that certain occasion he was asked to do the work of Class I Officer cannot claim promotion. Every time he has undergone the process of selection, but he was not selected by the D.P. C. due to low grading. In the circumstances, we do not see any merits in claim made by the applicant in this case.

5. The application is hereby dismissed.

9/6/87

(Birbal Nath)
Member

(G. Ramanujam)
Vice Chairman

Dated:- 23.6.87.

Announced in open Court.