

(89)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 297/1990

Date of decision: 14.08.1992.

Shri Ved Prakash

...Applicant

Vs.

Delhi College of Engineering  
and Others

...Respondents

For the Applicant

...Shri B.S. Charya,  
Counsel

For the Respondents

...Mrs. Avnish  
Ahlawat, Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble  
Shri P.K. Kartha, Vice Chairman(J))

The applicant who has worked as Mechanic Grade 'C' in the Delhi Engineering College under the Delhi Administration, is aggrieved by his non-promotion to the post of Mechanic Grade 'B'.

2. We have gone through the records of the case and have heard the learned counsel of both parties. The respondents have produced before us the Minutes of the Meeting of the DPC held on 3.8.1990 to consider the promotion of the applicant to the post of Mechanic Grade 'B'.

3. There had been two rounds of litigation earlier.

The applicant had filed Civil Writ No.1257 of 1973 in the Delhi High Court which stood transferred to this Tribunal (TA No.72/1985). The question raised related to the promotion to the post of Mechanic Grade 'B' made in 1971. The claim of the applicant for promotion was rejected by the Tribunal.

4. The applicant had filed another Writ Petition in the Delhi High Court (WP No.1499/1975) which stood transferred to this Tribunal (TA 222/1985). The applicant had been removed from service by order dated 3.4.1975 on the charge of deliberately destroying some imported chemicals in the Gravimetric Laboratory of Chemistry Department. The Tribunal held in its judgment dated 6.3.1987 that the punishment of dismissal was too severe and not proportionate to the gravity of the charge proved and directed that fresh order be passed by the Appellate Authority considering all the aspects. Accordingly, reconsidering the facts and circumstances of the case, fresh order dated 18.11.1987 was issued by the Appellate Authority, withdrawing order dated 3.4.1975 of removal from service and imposed a penalty to recover the cost of Chemical destroyed by the applicant.

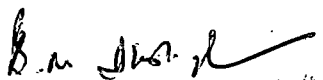
5. Thereafter, the case of the applicant was placed before the review DPC on 3.8.1990. The review DPC came to the conclusion that since the applicant was facing a disciplinary proceeding on the date his junior was promoted and that he was not exonerated and the charge of destroying imported chemical had been established, he was not fit for

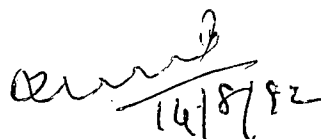
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promotion.

6. In our opinion, the aforesaid conclusion of the DPC cannot be faulted on legal or constitutional grounds. The Tribunal cannot sit in judgment over the assessment made by the review DPC. The applicant has not alleged any mala fides on the part of the members of the DPC. In this view of the matter, we see no merit in the application and the same is dismissed, leaving the parties to bear their respective costs.

  
(B.N. DHOUNDIYAL) 14/8/92  
MEMBER (A)  
14.08.1992

  
(P.K. KARTHA)  
VICE CHAIRMAN(J)  
14.08.1992

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