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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1223/91 dt. 10/10/95.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

A.K.Jain
Head Draughtsman
Dte of Naval Design
Naval Headquarters
A-33 Kailash Colony
New Delhi-110 048.
R/o 1490 Kucha Seth
Dariba Kalan
Delhi-110 006.

....Applicant

(By Advocate: Shri N.Amresh)

Versus

Union of India through
1. The Secretary to the Govt. of India
Ministry of Defence
South Block
New Delhi-110 011

2. The Chief of the Naval Staff
Naval Headquarters
South Block
New Delhi-110 011.

3. The Director
Dte. of Naval Architecture
'D' Wing, Sena Bhavan
New Delhi-110 011.

4. The Director
Dte. of Civil Personnel
Naval Headquarters
'D' Wing, Sena Bhavan
New Delhi-110 011.

...Respondents

(By Advocate: Shri P.H.Ramchandani)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant who was Head Draughtsman when he filed this application is aggrieved by the fact that when he was considered for promotion to the post of Chief Draughtsman, an adverse entry in his ACR for the year 1989 which was initiated only in the year 1991 and communicated to him thereafter has been taken into account with the result that he has not been properly considered by the DPC. Therefore, he has filed this application seeking to quash the order No. NC/2108 dated 6.5.91 by which four Head Draughtsmen were promoted as Chief

Draughtsmen and for a direction to the respondents to convene a DPC to consider his case on the basis of the ACRs upto 1988 only without considering the ACR of 1989 with consequential benefits.

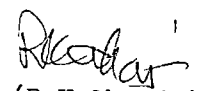
2. The respondents in their reply have stated that a review DPC was held to consider the case of the applicant, taking into account his ACR upto the year 1988 and that as the applicant did not ^{get} meet the bench mark, he could not be promoted.

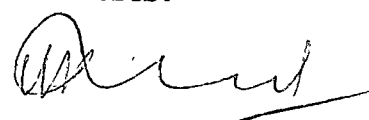
3. We have perused the pleadings and other materials in this case and have heard Shri N. Amresh, counsel for the applicant and Shri Ramchandani, counsel for the respondents. We have also perused the minutes of the review DPC as also the ACR Dossiers of the applicant.

4. As far as the relief for quashing the impugned order dated 6.5.91 is concerned, the applicant has not ^{impleaded} challenged those who were promoted and therefore, he is not entitled to seek quashing of the order. Further, no ^{case} material is made out to show that the promotions of those persons are erraneous ~~as far as the relief prayed is concerned~~. Even before the application was filed, the respondents had held a review DPC to consider the case of the applicant for promotion on the basis of his ACR upto 1988. So in that respect, the application has become infructuous. However, to see whether consideration of the case of the applicant by the review DPC was correctly done, we have perused the minutes of the review DPC as also the ACR Dossier of the applicant. It is a point which is admitted that to be eligible for promotion as Head Draughtsman, he has to get a bench mark 'Good' in the ACR. We have perused the ACR of the applicant and on perusal of the ACR of the applicant, and the minutes of the review DPC, we find that the DPC has considered the case of the applicant properly and ^{but} no injustice has been done to him.

5. In the result, in view of what is stated in the foregoing paragraphs, finding no merits in this application, we dismiss this application, leaving the parties to bear their own costs.

aa.


(R.K. Ahooja)
Member(A)


(A.V. Haridasan)
Vice Chairman (J)