

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A.No. 2521/91

DATE OF DECISION 24/7/92

Sh.Jagdish Prasad Sharma

Applicant

V/s

U.O.I. & Others

Respondents

For the Applicant.

In Person.

For the Respondents

Sh.P.H.Ramchandani, counsel

CORAM

Hon'ble Mr.Justice Ram Pal Singh, Vice Chairman(J)

Hon'ble Mr.I.P.Gupta, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(Delivered by Hon'ble Mr.I.P.Gupta, Member(A))

This is an application filed under Section 19 of the Administrative Tribunal Act, 1985. The applicant has requested for issue of direction to the respondents to promote the applicant as A.C.D.A.(IDAS cadre) w.e.f. 5-8-91, the date from which his juniors have been promoted and to allow consequential benefits.

2. The applicant contended that the Departmental Promotion Committee had denied him a fair and proper assessment for promotion. The promotion from the post of Accounts Officer to Assistant Controller of Defence Accounts (IDAS Cadre) is automatic and the Departmental

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Promotion Committee is to look into the seniority of the candidates and promote them on the basis of seniority cum merit. He said that no adverse remarks were communicated to him. He also alleged that Sh.S.P.Dusia, A.O.who was earlier not promoted was later promoted. He added that though an order of displeasure was communicated to him,yet an entry to that affect in his ACR amounted to adverse remarks which were not intimated to him nor was he informed about the result of his representation on the displeasure conveyed to him.

3. The learned counsel for the respondents contended that the applicant came into the zone consideration for the first time in July,1991. The applicant was not empanelled by the Departmental Promotion Committee. The post was a Selection post. The D.P.C. proceedings of 3/5th July,1991 held in the office of the Union Public Service Commission were seen by us and it was observed therefrom that the applicant was considered but on overall assessment of his ACR's he was graded 'Good' whereas those empanelled had been assessed as 'Outstanding' or 'Very good'. The Learned counsel also mentioned that Sh.S.P.Dusia's case was one of sealed cover since departmental enquiry was pending and the sealed cover was opened when the allegations could not be established in the departmental enquiry.

And

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4. It was observed from the ACR dossier of the applicant that in the year, 1985 an entry was made that he was conveyed displeasure of the C.D.A. vide Memo. dated 20-11-85 against which he had submitted a representation dated 3-12-85. The applicant said that he had not received any reply to his representation. The learned counsel for the respondents showed the the telex message which read as follows:-

Concerning the displeasure to Sh. J. P. Sharma The officers representation dated 29-11-85 received with PAO (Roorkee) letter dated 3-12-85 for withdrawal of displeasure was not accepted by Controller. Communicated to the officer vide this office letter dated 7-4-1986. Thus it is clear that the representation of the officer was considered and rejected. Even if the applicant received no reply to the representation though such reply was said to have been sent, yet the fact remains that his representation was examined by the respondents and rejected well before the meeting of the Departmental Promotion Committee held on 3 to 5th July, 1991.

5. In view of the above we find no merit in the application of the applicant with is dismissed, with no order as to costs.

I. P. Gupta
(I. P. GUPTA)
MEMBER (A) 24/7/92

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN (J) 24.7.92.