

(15)

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2823/91
MA-1075/97

New Delhi this the 23rd day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Shri R.K. Jain,
S/o Sh. Bimal Prasad Jain,
Station Engineer,
Doordarshan Maintenance Centre,
Bareilly(UP)-243001. Applicant

(through Sh. S.S. Bhalla, advocate)

versus

1. Union of India through
the Secretary Ministry of Information
& Broadcasting, Shastri Bhawan,
New Delhi.
2. The Chairman,
U.P.S.C., Dholpur House,
New Delhi-11.
3. The Director General,
Doordarshan, Mandi House,
New Delhi-1.
4. Sh. A.K. Bhatnagar,
Superintending Engineer,
All India Radio,
Aligarh(UP). Respondents

(None for respondents)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

The case of the applicant is that his candidature was considered by a D.P.C. for promotion to the post of Junior Administrative Grade and he is aggrieved by the fact that his service rendered in the North East Region does not appear in the confidential record and in turn the D.P.C. is stated to have sent the confidential record without these facts being mentioned therein and as such the weightage due to him under the

16

rules for the posting in North East Region, has not been given while considering his candidature for promotion to the post of Junior Administrative Grade.

Notices were issued and the respondents have filed a reply stating that there is no rule by which such an entry as referred above is required to be made in the confidential reports. It was also stated that no additional weightage was to be given to the applicant for promotion just because he has worked in the North East Region. It is further stated that the D.P.C. has already taken into consideration the period of his service in the North East Region.

The application was listed for final hearing quite a number of times and since none was present on behalf of either party, the Tribunal is left with no option but to dismiss the same for want of prosecution. Now the applicant has filed an application for restoration of the said O.A. on various grounds. Before looking into the application, we asked the counsel to argue the matter and thus today it is before us.

Even though no notice has been given to the respondents and they have stated their case clearly in the reply, we propose to dispose of it today on the basis of the reply, allowing the M.A. for restoration of this O.A.

17

We have considered the submissions of the learned counsel for the applicant and the submissions made in the reply and we are afraid that the submission of the respondents that no additional weightage should be given to the applicant in the case of promotion in this regard, is wrong. Para 4.17 of the reply refers to how the respondents have read the Ministry of Finance O.M. dated 14.12.1983 which is also annexed at page 21 of the paperbook. According to them this O.M. does not give any additional weightage to the applicant in case of promotion. We are afraid that para-2 of the said O.M. clearly states that the weightage in such cases shall be given for promotion in cadre posts.

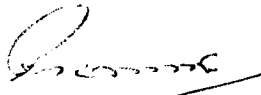
The apprehension of the applicant is that no additional weightage has been given to him for the service rendered in North East Region while the categorical statement made in para 4.17 of the reply shows that his service rendered in North East Region was taken into consideration by the D.P.C. The apprehension of the applicant, therefore, is unfounded. In the rejoinder to the said submission, the applicant only stated, "No comments". In view of this, this O.A. does not merit admission and we dispose of this O.A. with the observation that in case the respondents have not given weightage for the service of the applicant in the North East Region, under the impression that the O.M. of 1983 does not require them to give such weightage and by mistake or oversight, the D.P.C. has not given the weightage to applicant, the respondents shall reconsider the question of granting the weightage to the applicant

19

-4-

for his service in North East Region examining the D.P.C. proceedings once again. They shall intimate the decision in this regard within three months from the date of receipt of a copy of this order.

With the aforesaid observations, this O.A. is disposed of. No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

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