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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH.

O.A. No. 293/91.

New Delhi: this the 18th day of October, 1991

HON'BLE MR. S. R. ADIGE MEMBER (A).

HON'BLE DR. A. VEDA VALLI MEMBER (J).

Shri P.C. Mishra,
S/o Shri M.S. Misra,
DANI Civil Service Officer,
Delhi Administration,
R/o C-7/53, Safdarjung Development Area,
New Delhi-16.Applicant.
(Applicant in person)

Versus

1. Union of India through Secretary to GOI,
Ministry of Home Affairs (UT Section),
North Block, Central Secretariat,
New Delhi.
2. Delhi Administration through its Chief Secretary,
5- Sham Nath Marg,
Delhi - 54.
3. Sh. V. K. Kapoor,
Ex-Chief Secretary,
Delhi Administration- presently Chief Secretary,
to Jammu and Kashmir Govt., State Secretariat,
Srinagar/Jammu.
4. Union Public Service Commission through
its Secretary, Dholpur House, Sahajan Road,
New Delhi. Respondents

By Advocate: Shri N. S. Mehta for respondents.
Shri Girish Kathpalia for R-2.

JUDGMENT

BY HON'BLE MR. S. R. ADIGE MEMBER (A).

Heard &

2. We note that pursuant to the Hon'ble Supreme Court's directions, the review DRC met on 12.12.90 and the operative portion of the DRC's minutes are extracted below:

"The review DIC considered the case of Shri P.C.Mishra as per directions of the Hon'ble Supreme Court of India. After going through the ACR dossier of Shri P.C.Mishra and the fact that he had been allowed to cross E.B. w.e.f. 1.5.80 and that he had been declared 'fit' for selection grade w.e.f. 1.7.84, the Committee was of the view that even with the expunction of adverse remarks in ACR for the year 1979-80, the ~~1980~~ grading given to Shri Mishra by the DIC, which met on 11.1.83, as 'unfit' could not be improved as the overall performance of the of the officer had consistently been assessed as of 'Average Quality' and 'not yet fit for promotion! The Review DIC also graded him as unfit for promotion to selection grade w.e.f. 1.5.82."

3. These findings have been concurred in by UPSC also.

4. We have ourselves been through the applicant's ACR's for the relevant period and are satisfied that the conclusions arrived at by the DIC extracted above are not arbitrary, illegal, perverse, or based upon no materials which would require our interference.

5. The applicant has made some allegations of malafide against the then Chief Secretary Shri V.K.Kapoor in the OA who was one of the

Members of the review DPC, but we note that the other members of the review DPC were all very senior officers namely the Addl. Secretary, MHA, the C.S. Andaman & Nicobar and the Joint Secretary MHA and the findings of the DPC extracted above were unanimous. Under the circumstances, we are not persuaded to hold that the presence of Shri Kapoor in the review DPC has in any way affected its outcome.

Furthermore, as stated above, we ourselves have gone through the applicant's ACRs for the relevant period and have satisfied ourselves that there is no such legal infirmity in those findings as would warrant our judicial interference.

6. The OA therefore fails and is dismissed.
No costs.

A.Vedavalli
(DR.A.VEDAVALLI)

MEMBER(J)

S.R.Adige
(S.R.ADIGE)

MEMBER(A).

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