

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO. 1544/2004

New Delhi, this the 15th day of February, 2005

**HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. S.A. SINGH, MEMBER (A)**

U.C. Mishra,
2D/MS Flats,
Pandara Park,
New Delhi – 110 003.

...Applicant

(By Advocate: Shri G.K. Aggarwal)

-versus-

1. Union of India through
Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. Secretary,
Union Public Service Commission,
Shahjahan Road,
New Delhi.
3. K. Balakrishnan,
Chief Engineer (Civil),
Through Director General (Works)
CPWD (EC-I), Nirman Bhawan,
New Delhi.
4. PK Mazumdar,
Chief Engineer (C)
Through Director General (W)(EC-I),
CPWD, Nirman Bhawan,
New Delhi – 110 011.

...Respondents

(By Advocate: Ms. Shail Goel for R-1, R-3 and R-4; None for R-2)

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ORDER**Justice V.S. Aggarwal, Chairman:**

Applicant (U.C. Mishra) by virtue of the present Original Application seeks that the Departmental Promotion Committee (for short 'DPC') meeting qua him should be reviewed after removing the legal infirmities. Applicant seeks that he is entitled to be promoted as regular Chief Engineer (Civil) and his juniors have been promoted ignoring his just claim.

2. The precise grievance raised is that, according to the applicant, he was declared unfit by the DPC for being promoted. He has 35 years of clean and creditworthy service record. It is contended that his Confidential Reports for the period from 1.4.2000 to 31.3.2001 and from 1.4.2001 to 7.11.2001 had not been considered by the DPC. Therefore, keeping in view the said fact, a review DPC meeting should be held.

3. The Original Application has been opposed by Respondents nos. 1, 3 & 4. It has been pointed that the DPC meeting was held in Union Public Service Commission on 31.07.2002 and 27.6.2003 for selection of officers for regular promotion to the grade of Chief Engineer (Civil), which is a Group 'A' post. The recommendations of the DPC are attempted to be challenged but the DPC can devise its own method and procedure for assessing the suitability. The applicant has no right to be promoted. He has only a right to be considered. The benchmark was 'Very Good'. There is no ground, according to the said respondents, to re-consider the facts.




4. During the course of submissions, it was pointed, as was the plea, that the Confidential Reports of the applicant from 1.4.2000 to 31.3.2001 and from 1.4.2001 to 7.11.2001 had not been considered.

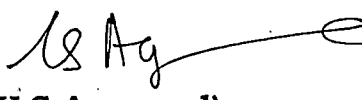
5. To keep the record straight, we had directed the respondents to make available to us the Confidential Reports and the proceedings of the DPC. The same were supplied in a sealed cover.

6. Perusal of the Confidential Reports clearly shows that from 1.4.2000 to 31.3.2001, the Confidential Reports of the applicant had only been recorded on 10.03.2003 and the same was the position for the period from 1.4.2001 to 7.11.2001. It is true that if the Confidential Reports are not available, DPC can look into the past record but it is not the fault of the applicant. It is obvious from the facts that when the DPC met, the Confidential Reports of the applicant for the relevant period, which should have been recorded in time, had not been so recorded and later not sent in time and for the fault of the others, the applicant cannot be made to suffer. The net result, therefore, is obvious that the proper Confidential Reports were not before the DPC at the relevant time.

7. For these reasons, we dispose of the present Original Application directing that a review DPC qua the applicant may be held and his Confidential Reports, pertaining to the period required, should be considered. The necessary exercise may preferably be taken within three months from the date of receipt of the certified copy of this order.


(S.A. Singh)
Member (A)

/na/


(V.S. Aggarwal)
Chairman