

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2741/1992

21

New Delhi this the 27th day of November, 1997

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

IN THE MATTER OF:

Smt. S.K. Bhatia,

S/o. Shri M.L. Bhatia

Working as Joint General Manager

Ordinance Factory, Dehradun, UP

R/o E-4/2, O.F. Estate,

Dehradun - U.P.

Applicant

(None for the applicant)

VERSUS

1. Union of India, through
The Secretary, Min. of Defence
Defence Production and Supplies,
D/F Y I, New Delhi - 110 011
2. Union Public Service Commission
Through its Chairman,
Dholpur House, Shahjahan Road,
New Delhi.
3. The Chairman,
Ordinance Factory Board,
O.F. Cell, Ministry of Defence Production,
'G' Block,
New Delhi.
4. The General Manager,
Ordinance Factory,
Dehradun, U.P.

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| 5. | Sarkar D N | Addl. GM O.F. Ambajhari |
| 6. | Agarwal G | Addl. GM, O.F. Khamaria |
| 7. | Jain R.K. | Addl. GM, O.F. Kanpur |
| 8. | Rao S.R. | DDG/ O.F.B. Calcutta |
| 9. | Chaudhuri Dipak | Addl. GM, O.F. Dumdum |
| 10. | Jau-hari R.P. | Addl. GM R.F. Ichapore |
| 11. | Dureja J C | Addl. GM O.E.F. Kanpur |
| 12. | Satyamurthi N L | Addl. GM H.V.F. Avadi |
| 13. | Batcha M B G G | Addl. GM C.F Aruvancadu |
| 14. | Gupta B M | Addl. GM O.F. Medak |
| 15. | Agarwal C P | Addl. GM S.A.F. Kanpur |
| 16. | Venkataraman N | Addl. GM H.V.F. Avadi |
| 17. | Sundaramurthy | DDG O.F.B. Calcutta |
| 18. | Das Shrikrishna | Addl. GM OELF, Dehradun |
| 19. | Shiva Prasad R | Addl. GM HAPP. Trichy |
| 20. | Dutta B | Addl. GM M.S.F. Ichapore |

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| 21. | Chatterjee A K | DDG O.F.B. Calcutta |
| 22. | Srivastava D I | Addl. GM A.F. Kirkee |
| 23. | Satyana Rayana P | Addl. GM O.F. Medak |
| 24. | Subrahmanian G | DDG O.F.B. Calcutta |
| 25. | Jain R K | Addl. GM G.I.F. Jabalpur |
| 26. | Banerjee T K | Addl. GM G.I.F. Jabalpur |
| 27. | Krishnamoorthy S | Addl. GM O.F. Chanda |
| 28. | Krishnamurthy V | Addl. GM Ambajhari |
| 29. | Wadhawan S K | Addl. GM G.C.F. Jabalpur |
| 30. | Sharma V K | Addl. GM O.F. Khamaria |
| 31. | Krishnamurthy G | OSD (IN SAG) OFSC. Ambajhari |
| 32. | Singh V K | Addl. GM O.F. Ambajhari |
| 33. | Sodhi K K | Addl. GM S.A.F. Kanpur |
| 34. | Sarnaik R K | Addl. GM A.F. Kirkee |
| 35. | Tewari S | Addl. GM O.F. Medak |
| 36. | Sen D | DDG O.F.B. Calcutta |
| 37. | Pal S P | DDG O.F.B. Calcutta |

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| 38. | Tewari S N | Addl. GM O.F. Itarsi |
| 39. | Khera G | Addl. GM O.F. Varangaon |
| 40. | Krishnan V | Addl. GM O.F. Trichy |
| 41. | Basak P K | DDG O.F.B. Calcutta |
| 42. | Banerjee A K | Addl GM O.F. Khamaria |
| 43. | Shankara Raman R | Addl. GM O.F. Medak |
| 44. | Rao Choudhari K | Addl. GM O.F. Ambajhari |
| 45. | Viswanathan S K P | Addl. GM O.F. Bhusawal |
| 46. | Ramaiah P | Addl. GM O.F. Ambajhari |
| 47. | Srinivasan D A | Addl. GM HAPP. Trichy |
| 48. | Arora Y P | Addl. GM V.F. Jabalpur |
| 49. | Sikka K C | Addl. GM G.C.F. & Jabalpur |
| 50. | Krishnamurthy S | DDG AVHQ, Avadi |
| 51. | Vaidyanathan S | DDG AVHQ, Avadi |
| 52. | Rastogi P S | Addl. GM O.F. Kanpur |
| 53. | Shunmugaraj S B | Addl. GM V.F. Jabalpur |

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| 54. | Rastogi B V | 25 | Addl. GM O.F. Kanpur |
| 55. | Mathur A K | | Addl. GM S.A.F. Kanpur |
| 56. | Kalia J R | | Addl. GM V.F. Jabalpur |
| 57. | Goyal G N | | Addl. GM HVF, Avadi |
| 58. | Gupta V S | | Addl. GM O.F. Katni |
| 59. | Jawaharlal B M | | Addl. GM O.F. Medak |
| 60. | Varma B B | | Addl. GM O.F. Bhandara |
| 61. | Mohan Rao T R | | DDG L.F.B. Calcutta |
| 62. | Jain C R | | Addl. GM V.F. Jabalpur |
| 63. | Kumarawwamy V | | Addl. GM HVF, Avadi |
| 64. | Nair K V | | Addl. GM HVF, Avadi |
| 65. | Shrikhande K C | | Addl. GM O.F. Khamaria |
| 66. | Dutta S B | | Addl. GM R.F. Ichapore |
| 67. | Wellington G I | | Addl. GM C.F. Avadi |
| 68. | Singh Joginder | | DDG O.F.B. Calcutta |
| 69. | Narain Prem | | Addl. GM V.F. Jabalpur |

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| 105. | Jain S.P. | Addl. GM O.F. Dehradun |
| 106. | Shumugam K | Addl. GM HVF, Avadi |
| 107. | Shahdadpuri B | Addl. GM HVF, Avadi |
| 108. | Bhaghati K K | Addl. GM G.I.F. Jabalpur |
| 109. | XXXXXXXXXXXXXX | Addl. GM XXXXXXXXXXXXXX |
| 110. | Bhagat D K | Addl. GM O.F. Dehradun |
| 93 111. | Sapra K L | DDG O.F.B. Calcutta |
| 94 112. | Sharma B L | Addl. GM O.F. Muradanagar |
| 95 113. | Pillai R M K | Addl. GM Happ. Trichy |
| 96 114. | Rao V R | DDG O.F.B. Calcutta |
| 97 115. | Rastogi J S | DDG O.F.B. Calcutta |
| 98 116. | Singh Vir | Addl. GM O.F. Dehradun |
| 99 117. | Chandran M | Addl. GM O.F. Chanda |
| 100 118. | Chandna V P | DDG DEFHQ, Kanpur |
| 101 119. | Sengupta H | DDG O.F.B. Calcutta |
| 102 120. | Goswami A K | Addl. GM V.F. Jabalpur |
| 103 121. | Pandey J K | Addl. GM O.F. Dehra Dun |
| 104 122. | Khurana O P | Addl. GM M.P.F. Ambarnath |
| 105 123. | Bakthavathsalu P | Addl. GM O.F. Medak |

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| 108. | Vigyan Shankar | 24 | Addl. GM O.F. Medak |
| 109. | Abraham A O | | Addl. GM M.P.F. Ambarnath |
| 108. | Sahai N K | | Addl. GM O.F. Itarsi |
| 109. | Singh C B | | Addl. GM M.S.F. Ichapore |
| 110. | Krishnamurthy S S R | | Addl. GM O.F. Medak |
| 111. | Agarwal S.C | | Addl. GM O.F. Bolangir |
| 112. | Padmanabhan V | | Addl. GM A.F. Kirkee |
| 113. | Gopalakrishnan T P | | Addl. GM O.F. Medak |
| 114. | Haste V S | | Addl. GM O.F. M Chanda |
| 115. | Subba Rao V V | | Addl. GM O.F. Medak |
| 116. | Madappan M | | DDG AVHQ, Avadi |
| 117. | Sinha G P | | Addl. GM P.E.F. Kanpur |
| 118. | Gohliya A K | | Addl. GM V.F. Jabalpur |
| 119. | Vinayek Ashok | | Addl. GM F.G. Kanpur |
| 120. | Pattekar S D | | Addl. GM OELF, Dehradun |
| 121. | Rajasekharan S | | Addl. GM O.F. Medak |
| 122. | Kar B K | | Addl. GM O.F. Chanda |

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| 123 100 | Sharma P L | Addl. GM O.F. Katni |
| 124 100 | Bhalla V K | Addl. GM O.F. Medak |
| 125 100 | Shah R S | Addl. GM O.F. Dehu Road |
| 126 100 | Gupta Sushil | Addl. GM F.G. Kanpur |
| 127 100 | Makhija R S | Addl. GM O.F. Kanpur |
| 128 100 | Gupta M M | Addl. GM OELF, Dehradun |
| 129 100 | Singh R K | Addl. GM O.F., Kanpur |
| 130 100 | Ganguly K M | Addl. GM G.C.F. Jabalpur |
| 131 100 | Sinha V K | Addl. GM O.F. Kanpur |
| 132 100 | Anand R K | Addl. GM HVF, Avadi |
| 133 100 | Ray S K | Addl. GM F.G. Kanpur |
| 134 100 | More S B | Addl. GM O.F. Ambajhari |
| 135 100 | Jetprole M R | Addl. GM HVF, Avadi |
| 136 100 | Saxena Arun | Addl. GM F.G. Kanpur |
| 137 100 | Sharma M M | Addl. GM O.F. Dehradun |
| 138 100 | Vairavan A | Addl. GM O.F. Ambajhari |
| 139 100 | Chengalvarayan S | Addl. GM H.V.F. Avadi |

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| 140. Alahan MA | DDG O.F.B.Calcutta |
| 141. Ghosh S | DDG O.F.B.Calcutta |
| 142. Boral A K DR | Addl.GM H.E.F.Kirkee |
| 143. Kaimal K G DR | Addl.GM H.E.F.Kirkee |
| 144. Lakshminarayanan G | Addl.GM R.F.Ichapore |
| 145. Mukhopadhyay Subir | Addl.GM G.C.F.Jabalpur |
| 146. Saxena U C | Addl.GM O.F.Kathi |
| 147. Haanate HC | Addl.GM G.S.F.Cossipore |
| 148. Sahoo P | Addl.GM O.F.Medak |

...Respondents

(None for the respondents)

OR D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A)

The applicant impugns the respondents order dated 1.10.91(Ann.A) which excludes his name from promotion in the Senior Administrative Grade under the Defence Ministry, and the rejection of his representation dated 17.1.1992.

2. This is a 1992 case and was at serial No.6 of the regular hearing list today. None appeared for the applicant; none for respondents either. As this is a very old case, we are disposing it of after perusing the available material , on records.

3. It is not denied that applicant's was considered for promotion along with the others in the DPC held in February, 1991. The respondents in their reply have averred that they considered the CRs of the officers coming within the zone of consideration for the minimum preceding 5 years. They also states that on the basis of the applicant performance for the relevant period, the DPC did not find him fit for promotion.

4. It is also stated that the promotions are made on selection basis, and the contention of the applicant that seniority is the only criteria is wholly misconceived.

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5. No documents are on record to indicate that promotion to SAG is by a procedure other than selection. In fact applicant himself admits as much when he states in rejoinder to Ground H that even if promotion was by way of selection, he being senior and having an outstanding report for the relevant period should have been promoted. Applicant's own assessment of his performance may not tally with that of the DPC. The applicant had a legally enforceable right for consideration for promotion, and he was duly considered. He has no enforceable right for promotion, and if after consideration, a duly constituted DPC did not find him fit for selection, there is no ground to warrant any interference in the OA.

6. This O.A. is therefore, dismissed. No costs.

Lakshmi
(Smt. Lakshmi Swaminathan)

Member(J)

Adige
(S.R. Adige)
Vice Chairman(A)