

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

21

OA 2741/1992

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:

Sr. 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

/r

21. Chatterjee A K

223  
DDG

O.F.B. Calcutta

22. Srivastava D I

Addl. GM  
A.F. Kirkee

23. Satyanarayana 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

38. Tewari S N

24  
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

25  
54. Rastogi B V

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. ~~Kumar~~swamy 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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168.	Jain S.P.	Addl. GM O.F. Dehradun
169.	Shumugam K	Addl. GM HVF, Avadi
170.	Shahdadpuri B	Addl. GM HVF, Avadi
171.	Bhaghati K K	Addl. GM G.I.F. Jabalpur
<del>172.</del>	<del>Bhaghat K K</del>	<del>Addl. GM</del> <del>O.F. Dehradun</del>
173.	Bhagat D K	Addl. GM O.F. Dehradun
93 174.	Sapra K L	DDG O.F.B. Calcutta
94 175.	Sharma B L	Addl. GM O.F. Muradanagar
95 176.	Pillai R M K	Addl. GM Happ. Trichy
96 177.	Rao V R	DDG O.F.B. Calcutta
97 178.	Rastogi J S	DDG O.F.B. Calcutta
98 179.	Singh Vir	Addl. GM O.F. Dehradun
99 180.	Chandran M	Addl. GM O.F. Chanda
100 181.	Chandna V P	DDG DEFHQ, Kanpur
101 182.	Sengupta H	DDG O.F.B. Calcutta
102 183.	Goswami A K	Addl. GM V.F, Jabalpur
103 184.	Pandey J K	Addl. GM O.F. Dehra Dun
104 185.	Khurana O P	Addl. GM M.P.F. Ambarnath
105 186.	Bakthavathsalu P	Addl. GM O.F. Medak

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

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122 <del>122</del>	Sharma P L	Addl. GM O.F. Katni
123 <del>123</del>	Bhalla V K	Addl. GM O.F. Medak
124 <del>124</del>	Shah R S	Addl. GM O.F. Dehu Road
125 <del>125</del>	Gupta Sushil	Addl. GM F.G. Kanpur
126 <del>126</del>	Makhija R S	Addl. GM O.F. Kanpur
127 <del>127</del>	Gupta M M	Addl. GM OELF, Dehradun
128 <del>128</del>	Singh R K	Addl. GM OF, Kanpur
129 <del>129</del>	Ganguly K M	Addl. GM G.C.F. X Jabalpur
130 <del>130</del>	Sinha V K	Addl. GM O.F. Kanpur
131 <del>131</del>	Anand R K	Addl. GM HVF, Avadi
132 <del>132</del>	Ray S K	Addl. GM F.G. Kanpur
133 <del>133</del>	More S B	Addl. GM O.F. Ambajhari
134 <del>134</del>	Jetprole M R	Addl. GM HVF, Avadi
135 <del>135</del>	Saxena Arun	Addl. GM F.G. Kanpur
136 <del>136</del>	Sharma M M	Addl. GM O.F. Dehnroad
137 <del>137</del>	Vairavan A	Addl. GM O.F. Ambajhari
138 <del>138</del>	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

None for the respondents)

...Respondents

#### ORDER (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.

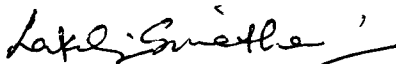
3. It is not denied that applicant's was considered for promotion along with the others in the DPC held in February, 1991. The respondents in their reply have averred that they considered the CRs of the officers coming within the zone of consideration for the minimum preceding 5 years. They also states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

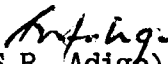
4. It is also stated that the promotions are made on selection basis, and the contention of the applicant that seniority is the only criteria is wholly misconceived.

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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<sup>to</sup> 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 not a legally 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.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

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