

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA No. 362/92

(25)

New Delhi this the 25th day of April, 1997

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

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Vijaya Kumar Jain  
s/o late Shri Nihal Chand Jain,  
3 MIG Prasad Nagar,  
New Delhi-5

(Applicant present in person) ... Applicant

Vs.

1. The Union of India  
(Notice to be served through the Secretary,  
Ministry of Finance (Revenue),  
Department of Revenue,  
Central Sectt., North Block, New Delhi-1)
2. The Central Board of Excise and Customs,  
(Notice to be served through the  
Chairman, Central Sectt. North Block,  
New Delhi-1)

(By Advocate Shri R.R. Bharti) ... Respondents

ORDER (ORAL)

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

Applicant impugns respondents letter dated 9.1.91  
(Annexure-1) informing him that after reconsideration of his case,  
it has been decided to make no change in his seniority position  
to the promotional post of Deputy Collector Custom and Central  
Excise from that of Assistant Collector. He has also prayed that  
respondents be directed to review his ACRs for the years 1979,  
1980 and 1981 and a fresh DPC be convened to reconsider his case  
in the light of the reviewed ACRs.

2. We have heard Shri V.K. Jain who argued his case in  
person and Shri R.R. Bharti for respondents.

3. Admittedly by office order No.8 dated 17.1.97 applicant  
has been restored to his seniority position at sl.No.15A in the  
promotional post of Deputy Collector. Respondents have also  
reviewed his ACRs for the years 1979, 1980 and 1991. For 1979,  
respondents vide their letter dated 29.2.1996 have informed applicant  
that it shall be ignored for the purpose of considering his case for

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promotion, and for 1980 it has been stated that they have been got written afresh by the competent authority. Applicant has stated at the Bar that no further grievance survives regarding ACRs for 1979 and 1980.

4. Regarding ACR for 1981, respondents have informed him that his contention that the remarks did not contain independent judgment of the Reporting Officer but was a report dictated by the Reviewing Officer is not substantiated on the facts and records and the same cannot be accepted. Applicant has contended that Shri M.S. Kanwal, who was the Reviewing Officer was not well disposed towards him and it is because of him that his 1981 ACRs was downgraded from Very Good to just average.

5. Shri Bharti informs in that consequent to applicant being restored his seniority position in the list of Deputy Collector (Now designated as Deputy Commissioners) he has also been considered along with others for further promotion as Commissioner in the DPC which was held earlier this month, and respondents decision will be announced shortly.

6. In the light of the above, applicants grievance appears to have been substantially redressed. Noting the same and reserving liberty to applicant to agitate his grievance in accordance with law in case he is dissatisfied with the DPC's recommendations, in which he may also challenge respondents decision on his 1981 ACRs, if so advised, we treat this OA as disposed of. No costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

*Adige*  
(S.R. Adige)  
Member (A)

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