

14

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1953/93

New Delhi: this the 27th day of July, 1999.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MR.P.C.KANNAN, MEMBER (J)

J.C.Mishra ,
S/o Shri J.R.Mishra,
Asstt. Engineer,
Bridges,

Northern Railway,
Moradabad

(under the Administrative control of CE/GM,
Northern Railway,
New Delhi.

(By Advocate: Shri M.L.Sharma)

..... Applicant

Versus

Union of India
through
General Manager,

Northern Railway Headquarters Officer,
Baroda House,
New Delhi.

2. Chief Engineer,
Northern Railway Headquarters Office,
Baroda House,

New Delhi

..... Respondents.

(By Advocate: Shri P.S.Mahendru)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Applicant seeks interpolation in the panel dated 26.3.93 (Annexure-A1) for promotion of Class II Officers to Sr. scale on adhoc basis.

2. Heard both sides.

3. Applicant states that his work has been

excellent throughout his official career, and has been appreciated by his superior officers for which he has received several commendations and rewards also, but states that despite that, on the basis of DPC's recommendations, 4 lists were issued; on 13.7.90 for 19 persons; on 9.1.91 for 21 persons; in 1992 for 9 persons; and in 1993 for 7 persons thereby recommending 56 AEs for promotion to Sr. scale out of whom 49 AEs are junior to applicant, but he has not been promoted for reason not known to him.

4. In para 4.29 of the OA, he states that the assessment of the DPC for recommending promotions from lower to higher grade is always based on confidential reports which he feels were not recorded correctly after 1989 owing to malice and bias on the part of Dy. CE(Bridges) who was annoyed with him.

5. The Dy.C.Eng.(Bridges) has not been made a party in this OA, against whom allegations of bias have been made to enable him to reply to the same.


6. From the foregoing, it is clear that applicant himself recognises that he has not been promoted because his ACRs were not good enough to warrant his promotion. A Govt. employee has an enforceable legal right only to be considered for promotion if he is otherwise eligible. He has ~~no~~ no enforceable legal right to be promoted. In the present case, it is clear that applicant was considered by the DPC but could not be promoted because on the basis of his ACRs the DPC did not consider him fit for promotion. Applicant has alleged bias on

the part of the Dy. CE (Bridges) who wrote his ACRs but that officer has not been made a party in the OA to reply to the allegations.

7. In the result we find ourselves not able to intervene in the matter and the rulings relied upon by applicant's counsel do not help applicant in the facts and circumstance of this particular case.

8. The OA is dismissed. No costs.


(P.C.KANNAN)
MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN (A).

/ug/