

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 743 of 1993

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New Delhi, dated this the 22nd July, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

Shri Yogesh Kumar Saini,
S/o Shri Shambhu Dayal,
Working as U.D.C.,
O/o the Director, Haryana E.S.I. Corporation,
Panchdeep Bhawan,
Sector 16,
Faridabad
Haryana.

... Applicant

(By Advocate: Shri V.P. Sharma)

Versus

1. E.S.I. Corporation through
the Director General,
Headquarters, Kotle Road,
New Delhi.

2. The Regional Director,
Haryana E.S.I. Corporation,
Panchdeep Bhawan,
Sector 16, Faridabad,
Haryana.

... Respondents

(By Advocate: Shri G.R. Nayyar)

ORDER (Oral)

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

Applicant seeks a direction of promotion as UDC on regular basis w.e.f. 25.10.91 i.e. the date of his juniors were promoted.

2. It is not denied that a D.P.C. was held on 23.10.91 to consider the case of eligible candidates for promotion as UDC on regular basis and applicant's case was considered along with others, but the D.P.C. did not find him fit for promotion.

3. In this connection we had asked Respondents' counsel Shri G.R. Nayyar to produce the applicant's ACR as well as ACRs of other candidates who were selected to enable us

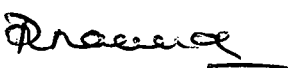
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to ascertain why applicant was not promoted.

4. Upon perusal of the aforesaid ACRs we find that there is practically no difference in the remarks earned by the selected candidates, and those earned by applicant. What appears to have weighed with the D.P.C. in rejecting applicant's candidature for appointment as U.D.C. on regular basis was a censure imposed upon him by the Disciplinary Authority consequent to a Disciplinary Proceeding on 10.9.90. Applicant had filed an appeal against this censure on 15.10.91 but that appeal does not seem to have been disposed of by the Respondents, when the D.P.C. was held on 23.10.91.

5. That apart the life of the censure dated 10.10.90 would have expired after six months as per Government instructions, that is well before the D.P.C. met on 23.10.91.

6. In view of the above we dispose of this O.A. with a direction to Respondents to hold a review D.P.C. to reconsider applicant's claim for appointment as U.D.C. on regular basis w.e.f. the date of his juniors were promoted. If as a result of such review, applicant is promoted as U.D.C. on regular basis w.e.f. that date, he will be entitled to such consequential benefits as admissible to him in accordance with rules and instructions flowing therefrom. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.


(P.C. KANNAN)
MEMBER (J)


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

/ GK/