

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A.111/93

Date of decision: 3.2.93

Parveen Kumar Jain .. Applicant.

versus

Union of India &

others .. Respondents.

Sh.A.K.Behra .. Counsel for the applicant.

Sh.R.R.Bharti .. Counsel for the respondents.

C. M.:

Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J).

e Hon'ble Sh.I.P.Gupta, Member(A).

JUDGEMENT (ORAL)

In this application the applicant had requested for a review D.P.C. for promotion to the grade of Dy. Collector of Customs and Central Excise which carries the pay scale of Rs.3700 - 5000/-. The case of the applicant is that by order dated 8.8.92 the Assistant Collectors of Customs and Central Excise in the Indian Customs and Central Excise Services group 'A' were promoted as Dy. Collectors. He was not so promoted although his juniors were promoted in the order dated 8.8.92. Learned counsel for the applicant contends that his A.C.R. for 1986 was not written by the competent

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authority since it was written by an Officer who had not seen his work for atleast three months. He has alleged that his A.C.R. for 1989-90 was also written by an incompetent authority since the reporting officer had given the remarks after about one year of his superannuation and this was not in accordance with the instructions of the respondents. The respondents have not disputed the fact that his A.C.Rs. for 1986 were written by an incompetent authority, They have also not disputed the fact that the reporting officer for 1989-90 was a superannuated officer who had superannuated about a year before endorsing his remarks as reporting officer. The he conspectus of these facts it is directed that a Th view D.P.C. should consider the case of the promotion of the applicant as Dy. Collector of the Customs and Central Excise treating the A.C.R. for 1986 as honest and so also the remarks of the reporting officer in the A.C.R. for 1989-90 (the remarks of Reviewing officers could be taken into account). Such a review should be carried out within a period of three months from the date of receipt of a copy of this order. Pending this review the applicant should not be reverted ^{to} ~~from~~ a post carrying a pay scale less than Rs.3700 - 5000.

(Corrected
order
dt 9/2/93)

With the aforesaid direction and order the case is disposed of with no order as to costs.

I.P.Gupta
(I.P.Gupta)
Member (A)
3/2/93

Ram Pal Singh
(Ram Pal Singh)
Vice Chairman (J)