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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 29TH DAY OF APRIL, 2004

Original Application No. 811 of 1997

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

Kedar Nath, P.No.6953249
Ex.Senior Stores Superintendent,
aged about 59 years, S/o Late Mahadev
Prasad, R/o 394/302, Chaukhandi,
Kydganj, Allahabad.

.. Applicant

(By Adv: Shri Rakesh Verma)

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services, Master General of Ordnance Branch, Army Headquarters, DHQ, P.O.New Delhi-110 001
3. The Commandant, Central Ordnance Depot, C.O.D Chheoki, Naini Allahabad.

.. Respondents

(By Adv: Shri Satish Chaturvedi)

O R D E R(Oral)

JUSTICE S.R.SINGH,V.C.

We have heard counsel for the parties and perused the pleadings and the documents annexed thereto.

The applicant herein is aggrieved by ^{his} supersession in the matter of promotion to the post of Ordnance Officer,Civilian(Stores). In the OA, it is alleged that the applicant ^{has} ~~may~~ not been considered for promotion merely

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because of pendency of a disciplinary case. In the counter affidavit it has been specifically stated that by order No.38 dated 30.3.1995 as contained in D.O.Part II, the applicant was awarded punishment of recovery of Rs 500/- besides "censure". The case of the applicant ~~is~~ that he was not considered for promotion is, ^{this is} not correct. In the counter affidavit it has been stated that Departmental Promotion Committee considered various aspects i.e. Confidential Report, Gradings, Discipline profile and seniority and the applicant was not found fit by the DPC for promotion due to the reason of punishment stated above. The learned counsel for the applicant, however, submits that award of censure entry was no ground to deny promotion. The submission made by the learned counsel cannot be countenanced. An Order of "Censure" is formal and public act intended to convey that the person concerned has been guilty of some blameworthy act or omission for which it has been found necessary to award him a formal punishment, and nothing can amount to a "censure" unless it is intended to be such a formal punishment and imposed for "good and sufficient reason" after following the prescribed procedure. A record of the punishment so imposed is kept on the officer's confidential roll and the fact that he has been 'censured' will have its bearing on the assessment of his merit or suitability for promotion to higher post as provided in Govt. of India, Ministry of Home Affairs O.M.No.39/21/56-Ests.(A), dated the 13th December, 1956 i.e. ^{of} Note (10) ^{of} Rule 11 of CCS (CCA) Rules, 1965. It is well settled that an employee does not have ^{promoted apart from the right to be} the fundamental right to be considered for promotion. The applicant, as stated (supra) was considered by the DPC but he was not found fit for promotion. It was not

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for the Tribunal to ~~wrap~~^{sit-in appeal over} the DPC. ~~A~~^{the} decision taken by ~~the~~^{the DPC is valid one} DPC has formed its opinion on ~~valid~~^{valid material}.

In the circumstances, the OA ~~is~~^{is} being devoid of merits ~~and~~^{and} is dismissed. We, however, make no order as to costs.

[Signature]

MEMBER(A)

[Signature]

VICE CHAIRMAN

Dated: 29.4.04

Uv/