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Registration (O.A.) No.734 of 1986

D.K. Shukla Applicant

Versus

Union of India & Others Respondents

Hon'ble K.S. Puttaswamy, V.C.

Hon'ble Ajay Johri, Member(A)

(Delivered by Hon'ble K.S. Puttaswamy, V.C.)

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act XIII of 1985.

2. Prior to 28.9.1984 the applicant was working as Security Assistant 'B' Grade in the Ordnance Factory, Kanpur. On 29.9.1984 the General Manager of the Factory had promoted respondents Nos. 4 and 5, who are junior to the applicant, to the post of Supervisor 'B' N.T. (Security). Hence the applicant has challenged his non-promotion and the promotions of the respondents nos. 4 and 5 on diverse grounds.

3. In their reply respondents nos. 1 to 3 have asserted that the case of the applicant, who was eligible for promotion, was duly considered by the duly constituted Departmental Promotion Committee (DPC) and he was not found fit for promotion and his supersession was therefore, justified.

4. Km. Sadhana Srivastava, learned counsel for the applicant, contends that the promotion of respondents 4 and 5, who were junior to the applicant, and supersession of the applicant was illegal and improper and was violative of Articles 14 and 16 of the

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Constitution of India.

5. Sri K.C. Sinha, learned counsel for the respondents nos. 1 to 3 justified the promotions of respondents 4 and 5 and the non-promotion of the applicant.

6. On 28.9.1984 a duly constituted DPC considered the cases of the applicant and respondents 4 and 5 and others to the post of Supervisor 'B' N.T. Security and found that the applicant was not fit for promotion and that respondents 4 and 5 were fit for promotion and accordingly made its recommendations. On the basis of the proceedings of the DPC the Promoting Authority had promoted respondents 4 and 5 and had superseded the applicant. We find that the evaluation made by the DPC is in conformity with the law declared by the Supreme Court and circular instructions issued by Government from time to time do not suffer from any infirmity to justify our interference under the Act. We see no merit in the challenge of the applicant.

7. In the light of the above discussions we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

K.S. Pullaiah
Vice-Chairman. 12/11/87

SRI SRI
Member (A).

Dated: November 13, 1987.

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