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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

REGISTRATION O.A.NO. 801/1987

V.N.SinghApplicant

Versus

Union of India & OthersRespondents

Hon'ble Mr. D.K.Agrawal, J.M.
Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. D.K.Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals Act 1985 is directed against the Non promotion of the applicant to the post of Store Superintendent w.e.f. 24.5.1984. The grievance is that in 1985 D.P.C. which was held, considered him for promotion to the post of Store Superintendent but did not find him fit for promotion. The pleadings reflect that the applicant was not found fit on the basis of two uncommunicated adverse remarks for the years 1977 and 1983; and that the remarks for the years 1977 and 1983 were not communicated to the applicant before the D.P.C. was held in the year 1985. The adverse remarks of 1983 have been communicated to the applicant in the year 1986. The remarks for year 1977 have not yet been communicated. Consequently there remains no real point for adjudication. It is settled law that uncommunicated remarks cannot be taken into account for the purpose of considering the suitability of a person to the promoted post. Consequently the proceedings of D.P.C. held in the year 1985 cannot be deemed to be valid in regard to the applicant.

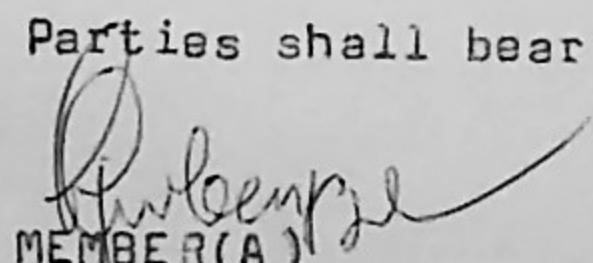
DK Agrawal

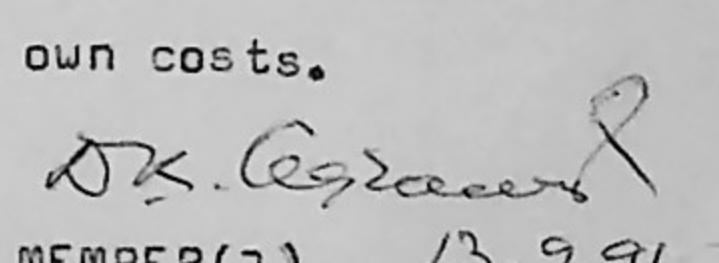
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2. In the result we allow this petition in part and direct the opp. parties to hold a review D.P.C. within three months from the date of communication of this order and consider the applicant for the promotion post of Store Superintendent from the due date i.e. 24.5.1984 without taking into account the adverse remarks for the years 1977 and 1983 those remarks which would be deemed to be non existing for the purpose of Review D.P.C.. The applicant will be eligible to be promoted according to the decision of the Review D.P.C. from due date.

Parties shall bear their own costs.


MEMBER(A)


MEMBER(J) 13.9.91.

DATED: 13.9.1991

Allahabad

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