

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 1st day of June, 2000.

CORAM : Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. Rafiq Uddin, Member (J)

REVIEW APPLICATION NO. 55 of 1995

IN

ORIGINAL APPLICATION NO. 1125 of 1992

Ajit Kumar Mishra aged about
 38 years son of Shri R.D. Mishra
 resident of Military Farm Allahabad

....Applicant

C/A Shri M.K. Upadhyay

Versus

1. Union of India through the
 Defence Secretary, Ministry of
 Defence, New Delhi
2. Quartermaster General
 Army Headquarters
 Sena Bhawan, New Delhi
3. Dy Director General of Military Farms
 Army Headquarters, QMG's Br
 West Block III
 R.K. Puram
 New Delhi
4. Departmental Promotion Committee
 through Dy Director General of Military
 Farms, Army Headquarters
 QMG's Br, West Block III
 R.K. Puram, New Delhi.

...Respondents

C/R Shri S.C. Tripathi

O R D E R

(By Hon'ble Mr. S. Dayal, Member (A))

This Review Petition has been filed for review of order of a Division Bench of this Tribunal in O.A. No. 1125/91. The order was passed on 08.03.1995. By this order the application was dismissed as no merit was found in the contentions of the applicant.

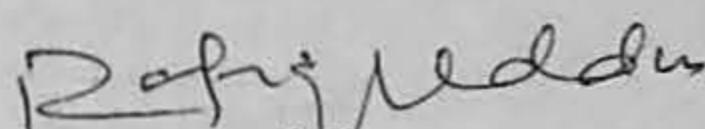
2. The applicant has filed this Review Petition contending that rule 3 of CSR of 1986 is mandatory and that the Tribunal has erroneously held that they were just administrative instructions. It is also contended that a certificate is required to be issued for an year in which DPC was not held that no vacancies are to be filled up by promotion. It has also been contended that there is a factual error in the statement that the applicant had nowhere averred that his services had been totally without blemish. It is contended that if these three factors had been taken into account the order would have been in favour of the applicant.

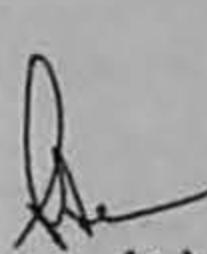
3. Arguments of Shri M.K. Upadhyay for the applicant and Shri S.C. Tripathi for the respondents have been heard.

4. The Division Bench had considered rule 3 of CSR and after considering the CSR has held that the proceedings of DPC held in a subsequent year in which vacancies of earlier years have been taken into account do not stand vitiated. The Tribunal has thus contemplated the situation in which the DPC could not be held in each year in the past and vacancies had to be filled up for a number of years in a subsequent year and have arrived at the above finding.

5. It is true that the Tribunal have said that the applicant had not averred that his services have been totally without blemish and that his ACR are not adverse. The applicant, it seems has claimed that he had an unblemished career of 17 years but the Division Bench took into account the fact that the applicant was facing a departmental inquiry and that he himself had stated that recommendations regarding his promotion were kept in sealed cover.

6. Under the circumstances we find no merit in the Review Application and the same is dismissed.


Member (J)


Member (A)

/S.P./