

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Dated: ALLD, on this 30th Day of September 1997.

A2
3

CORAM : Hon'ble Mr Justice B C Saxena, V.C.
Hon'ble Mr S Das Gupta, A.M.

ORIGINAL APPLICATION NO.160 OF 1993.

Wilayat Hussain Ansari
Senior Auditor PM 04/2261 (Retired)
675, Tribeni Road, Kydganj
Allahabad.

.... Applicant

C/A Shri L N Sankhwar and
Shri A K Banerjee

Vs.

(1) Union of India through Comptroller
and Auditor General of India (CAAG)
Shah Zafar Marg, New Delhi.

(2) Accountant General Audit I
U P Allahabad, Sarojini Naidu Marg
Allahabad.

.... Respondents.

C/R Shri Amit Sthalekar

ORDER

(By Hon'ble Mr S Das Gupta, A.M.)

Through this application, the applicant appears to have sought a direction for giving him promotion to the higher Supervisory post, Although he has not specifically asked for such relief in the O.A, This however, can be gleaned from the averment and from the interim order prayed for.

2. The applicant has stated that he was appointed as U.D.C. in 1957. The post of U D C was subsequently

w/e

redesignated as Auditor. It is stated that during 35 years of service, he should have been given two promotions but he was not given promotion to the post of Supervisor. This was despite the fact that at the time of bifurcation of Audit from Accounts, an assurance was given to those who opted for audit that they would be given better scales of pay than those in the Accounts department. He has alleged that his junior Shri Sankari Das Chatterjee was promoted by an order dated 09.10.1991 to the post of Supervisor, superseding his claim for such promotion although there was no blemish in his character roll. The applicant has alleged discrimination on religious ground. He has further alleged that his seniority position was also relegated due to placement of SC & ST candidates above him. It has also been stated that while the cases of Sri Dharmvir Parashry and Sri Shivkuti Lal Verma who were earlier superseded, were subsequently reconsidered, his case was not reconsidered by the respondents.

3. The respondents have filed counter affidavit in which it has been stated that the applicant on his option for Audit Office was appointed as Auditor in higher grade w.e.f. 01.03.1984. A regular scheme of Supervisor in Audit Office was introduced wef 01.04.1989. The post of Supervisor was selection post to be filled by promotion failing which by transfer or on deputation from other audit office. It is stated that the applicant was included in the list of eligible senior auditors to be considered by a duly constituted departmental promotion Committee. The applicant was considered by the D P C which did not recommend him for promotion.

4. The applicant has filed rejoinder affidavit in which he has raised a question as to whether all character rolls were complete and were made available to D P C. He has also stated that the basis of promotion was seniority-cum-suitability. The applicant was seniormost and there was

no adverse entry in his reports. He ought to have been promoted.

2/1/89

5. At the time of hearing, the applicant appeared in person. The respondents were represented by Shri Amit Sthalekar.

6. It is clear from the averment in the counter affidavit and also the annexures thereto that the post of Supervisor which was created in 1989, was to be filled by promotion on the basis of selection. The respondents have specifically averred that the applicant was also considered alongwith other eligible persons by the DPC but he was not recommended for promotion by the DPC. The applicant has only stated that there has been no adverse remarks in his ACRs. It is well known that for promotion by selection, the performance of all the eligible candidates is graded by the DPC on the basis of the ACR. Even if a candidate does not have any adverse remarks in the ACR, he may still be superseded on the basis of lower grading. We have no reason to disbelieve the statement of the respondents that the applicant was considered by the DPC and not recommended, particularly in the absence of any substantive ground for presuming malafide.

7. In view of the foregoing, we find no merit in the application and the same is accordingly dismissed. Parties shall bear their own costs.

W.C.

A.M.

B.C.

V.C.