

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 21st day of March 2001.

Original Application no. 1374 of 1995.

Hon'ble Mr. Rafiq Uddin, Member-J

Hon'ble Maj Gen KK Srivastava, Member-A

Jai Prakash Srivastava,  
S/o Sri A.P. Srivastava,  
R/o 247, Chak Zero Road,  
Allahabad. Posted as Supervisor,  
Barrack Store Grade II G.E. (West),  
ALLAHABAD.

... Applicant

C/A Sri B.B. Paul

Versus

1. Union of India, through the Secretary  
Ministry of Defence, Govt. of India,  
NEW DELHI.
2. Engineer in Chief, Military Engineering Services,  
NEW DELHI.
3. Chief Engineer, Central Command,  
LUCKNOW.
4. Commander Works Engineer (MES) West,  
ALLAHABAD.

... Respondents

C/Rs Sri S.K. Anwar

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ORDER (Oral)

Hon'ble Mr. Rafiq Uddin, Member-J.

By means of this OA the applicant has sought quashing of impugned order dated 15.09.95 passed by respondent no. 3 (annexure I) and also order dated 25.09.95 passed by respondent no. 4 (annexure II). In the order dated 15.09.95 the name of the applicant in the list of promotion of Supervisor BS Grade II to Supervisor Grade I does not appear and by order dated 25.09.95 the representation made by the applicant from promotion list has been rejected.

2. The brief facts of the case are that the name of the applicant was considered by a Departmental Promotion Committee (DPC) for promotion from Supervisor Grade II to Supervisor Grade I. It appears that the D.P.C. did not <sup>assessed</sup> ~~assist~~ the applicant to be of the required ~~for~~ <sup>Bench</sup> ~~which~~ mark grading and as such he was not included in the select list for promotion.

3. The applicant has stated in the OA that he being senior in the cadre of Supervisor Grade II the promotion of his juniors <sup>senior members</sup> under article 14, 16, 21 & 300 A of the Consitution of India.

4. We have heard learned counsel for the rival contesting parties and perused the record.

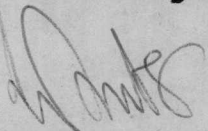
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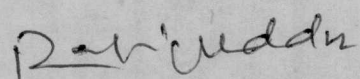
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5. It has been contended by learned counsel for the respondents that since the applicant was charge sheeted under rule 16 of CCS (CCA) Rules 1965, he was awarded punishment of 'Censure' by order dated 20.01.95 (annexure CA1). Hence, the applicant was not found fit for promotion. Learned counsel for the applicant, however, pointed out that the applicant has not even <sup>been</sup> considered for promotion after the last DPC and he was likely to be retired shortly. Learned counsel for the applicant, therefore, submits that instructions may be issued to the respondents to consider the case of the applicant for promotion by holding a fresh D.P.C. ignoring the 'Censure' entry.

6. We accordingly dispose of this OA with the direction to the respondents to consider the case of the applicant for promotion in the next D.P.C. ignoring the 'Censure' entry in this regard. No order as to costs.

  
Member-A

  
Member-J

/pc/