

MA/566/87  
in  
OA/162/87

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CORAM : HON'BLE MR. P.H. TRIVEDI : VICE CHAIRMAN

HON'BLE MR. P.M. JOSHI : JUDICIAL MEMBER

21/1/1988

Applicant present in person. Mr. P.N. Ajmera <sup>for Mr. J.D. Ajmera</sup> learned  
counsel for the respondent present and heard. The petitioner was  
asked what error or omission manifest on the face of the record  
has been urged <sup>on</sup> the ground for seeking the relief of the review.  
The petitioners main contention is in the para 21 of his appli-  
cation that on the recommendation of the one man commission, <sup>the</sup>  
reports, the rules or guide-lines were amended and accordingly  
he was due for promotion. As the judgment has stated that the  
D.P.C. has considered his case and not found <sup>him</sup> fit for promotion,  
no evidence regarding any change of rules hav<sup>ing</sup> been affected  
was produced. Accordingly even if such recommendation had been  
made the recommendation of the D.P.C. and the decision consequent  
thereto cannot be regarded as regulating the proceedings of the <sup>DPC</sup>  
<sup>rendering them</sup> committee or defective.

The petitioner states that subsequently by orders dated  
20-11-1986 and 17-6-1987 adverse remarks in the Annual Confidential  
Report from 1-4-1986 to 27-10-1986 and October, 1986 to March, 1987  
have been communicated to him. These remarks would raise a fresh  
cause of action if any and cannot be urged for grant of review  
of a case filed prior to the communication of these remarks.

In the result we do not find any mistake or omission  
manifest on the face of the record or any other circumstances  
justifying review of the judgment in the case. The application  
therefore is rejected.

*P.H. Trivedi*  
( P.H. TRIVEDI )  
VICE CHAIRMAN

*P.M. Joshi*  
( P.M. JOSHI )  
JUDICIAL MEMBER

rajini.

REVIEW PETITION

Before the Hon'ble Central Administrative Tribunal,  
Ahmedabad Bench, Ahmedabad.

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Central Administrative Tribunal  
Ahmedabad Bench

Case No: OA/162/87

Inward No ..... 1548 .....

Date ..... 13/11/87 ..... K. S. SHARMA

... Petitioner

V/s.

Union of India & another

... Respondents.

The petitioner most respectfully prays for the review of the decision announced on 15-10-'87 in the matter of promotion because of the following reasons.

1. The DPC of 1986 promoted 19 FOs(T) to the post of ATOs. These 19 posts were created by one man Commission (Sri K. Shanker Nair IPS) in 1986. This one Man Commission created the vacancies for the all security organisations like Intellegence Bureau. R & AW, ARC etc. keeping in view the growing dissatisfaction in the matter of promotions and Acute stagnation cases in various Security Departments. The Commission recommended selection grades and promotion to those employees who are in the same rank for 12 years or more with so many other reliefs. I am in the same rank for over 17 years and yet Deptt. ~~resk~~ rushed to promote Juniors as before against the recommendations of the one man commission. Before DPC of 1986 our Deptt. had only 33 posts of ATO. These large number of posts (19) were created with some specific purpose alongwith the recommendations to fill these posts. Intellegence Bureau and other Depts. have not so far filled these posts and are still looking for the suitable candidates as per the guidelines of the One-man Commission. I shall request your goodselves to go through One-man Commissions recommendations before arriving at final decision.

M. Ranchal  
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The Department has produced extracts regarding selection, examination, and special relaxation from UPSC & other Deptts. of Personal & Administrative reforms for normal annual vacancies. These do not apply in the case of One-man Commission vacancies.

2. I understand that Tribunal are working on the principal of natural justice. Injustice which has been done with me has no parallel in the history of Central Govt Services, my juniors who are junior to me in every thing age, qualifications, experience, have been promoted as class-I and Sr. Class-I officers while I am stagnating in Class III post since 1981. Even in the private companies such treatment is unheard of. I always made grade in other selections, I was selected for commission in the Indian Navy twice (1) on 12-12-63 I was selected for permanent commission in the Indian Naval Volunteer Reserve on All India Selection and again in Feb 1964 I was selected for regular commission in the Indian Navy by 11 SSB Meerut - Batch No. ASN/6702 Chest No. 15, but this to my surprise that I could not make a grade for a class-II post for promotion even after serving for 25 years in this Deptt., with boarder service, high qualification and Police Medal etc. There is something wrong with the grade making policy of the Deptt.

3. I am from the IB and IB rules are applicable in my case. I was promoted from ACIO-II (T) to FO (T) as per the IB Rules. I was sent to IB for passing Promotion course (Advance Maintenance Course). My At that time I opted for IB Rules, for promotion. My representation regarding my nomination to AMC-69 and option for further promotions has been sent to the Deptt.

4. I have not at all been considered by the DPCs of 1982, 1983, 1984 and 1985. My juniors were promoted and were considered on all these occasions.

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5. DPCs have not been convened at regular intervals nor an outside member was ever included.

Following discrepancies may kindly be corrected in the Judgment of 15/10/'87.

Page - 1; line-6. I was promoted from ACIO-II (T) to FO (T) in 1969 and not in 1972.

Page - 1: line 14 - I was superseded first in 1974/75 and IInd time in 1979. I was considered for promotion only three times during the last 13 years. DPCs of 1982, 1983, 1984 and 1985 did not consider me at all. Although several candidates were promoted on each occasion.

Page - 1; line 13: ACR of 1971-72 was communicated to me in 1976 after a DPC of 1975 singled me out for the remarks. My junior Shri V.S. Chauhan's adverse remarks of 1971-72 were expunged in 1976 and he was promoted in 1976 against the limitation Act. I also can be promoted in similar manner.

Page - 2; line 1 If Shri Kenodkar had opted for IB Rules earlier then why he was not promoted by the earlier DPC's?

Page - 2; line 6: No adverse entry has ever been communicated except the so called ACR 1971-72.

In verification, where of I Krishna Chandra Shama Son of Ramchandra Shama age 48 years service in Cabinet Secretariat, Government of India at present Special Bureau, 47, Vijaynagar, Bhuj do hereby verify that the contents from page 1 to 3 are true to my personal knowledge and belief that I have not suppressed any material facts.

Place: Bhuj (Kutch)

Signature of Applicant

Date: 8-11-1987.

To  
The Registrar,  
Central Administrative Tribunal,  
Ahmedabad Branch (GUJARAT).

O.A./162/87

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Coram & Hon'ble Mr P H Trivedi .. Vice Chairman  
Hon'ble Mr P M Joshi .. Judicial Member

12/5/1987

Heard learned advocate Mr D L Vaidya for the applicant. So far as the relief sought in para 28 of the application is concerned, the cause regarding denial of promotion in 1975 and 1983 are clearly time barred. Issue notice on the respondent regarding application and the relief in sub para 3 of para 28 regarding denial of promotion in October, 1986. Pending admission. Notice returnable within 45 days from the date of this order. The case is adjourned to 29th June, 1987 for admission.

*P. H. Trivedi*  
( P H Trivedi )  
Vice Chairman

*P. M. Joshi*  
( P M Joshi )  
Judicial Member