

NO  
Promotion  
Amendment

**Βεβαίητος**

DATE OF DECISION 20.1.1993

Shri B.V. Bhatt, Petitioner

Smt. S.D. Vyas, Advocate for the Petitioner(s)

## Versus

Union of India &amp; Ors. Respondents

### Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

Shri B.V. Bhatt  
Retired Asstt. Collr.  
Central Excise  
Surat-III.

..... Applicant.

(Advocate:Smt.S.D.Vyas)

Versus.

1. The Union of India, through  
Secretary,  
Ministry of Finance.
2. Under Secretary to the Govt.  
of India, AD.II  
Govt. of India  
Ministry of Finance,  
Department of Revenue,  
New Delhi.
3. Collector of Central Excise,  
Surat, Ducca Overa,  
Near Gandhi Park,  
Surat.

..... Respondents.

ORAL ORDER

O.A.No. 460/1992

with

M.A. No. 6 OF 1993.

Date: 20.1.1993.


Per: Hon'ble Mr. N.V.Krishnan, Vice Chairman.

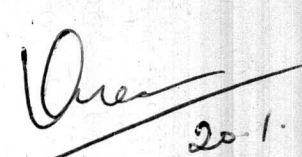
Smt. S.D. Vyas for the applicant. We have heard the learned counsel on admission. The relief sought is for a direction to the respondents to promote the applicant from the junior time scale of Rs. 2200-4000 to the Senior Time Scale of Rs.3000-4500 from 16.8.87 with consequential benefits.

2. The applicant has also filed an M.A. 6/93 to amend the application. The purport of the amendment is to state that there were no adverse remarks in the service record of the applicant in the years 1983 to 1987.

3. Apart from the fact that the relief sought from 16.8.87 appears, on the face of it, to be barred by limitation, we find that the applicant has not indicated as to what is the rule regarding promotion and whether a DPC has to consider his case etc. We find that the applicant does not allege that the DPC, had wrongly either not considered the applicant's case or superceded him. Even if the averments made in the M.A. are taken into account, it does not advance the case because mere absence of adverse remarks does not give a right to promotion. The applicant is eloquently silent on the provisions regarding promotion and as to how the applicant satisfies the criterions. Therefore no prima facie case has been made out, even on merits.

4. In view of these laches we find no merit in this application and therefore it is dismissed and the M.A. automatically stands disposed of.

  
(R.C. Bhatt)  
Member(J)

  
20.1.93  
(N.V. Krishnan)  
Vice Chairman

vtc.