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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.254 of 1988.

Date of decision : October 26, 1990.

T.Balakrishna Rao. ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr.D.P.Dhalsamant, Advocate.

For the respondents ... Mr.Aswini Kumar Misra,  
Sr.Standing Counsel (CAT).

...

CO R A M :

THE HONOURABLE MR.B.R.PATEL, VICE-CHAIRMAN  
A N D

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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J U D G M E N T

B.R.PATEL, VICE-CHAIRMAN, In this application the applicant who has been promoted to the Lower Selection Grade cadre on 30.11.1983 under the Time bound promotion scheme has prayed for retrospective promotion from 1981 against 2/3rd quota. He has claimed seniority over some of the employees who have been promoted against 2/3rd quota in the years 1981 and 1982 and maintained that his case had infact not been considered by the Departmental Promotion Committee.

*Rw/hw*

2. The respondents in their written reply have maintained that the case of the applicant was duly considered by the duly constituted Departmental Promotion Committee (D.P.C.) for promotion under the 2/3rd quota for the year 1981-82 and as he was not found fit he has not been promoted under the scheme. Subsequently, however, in 1983 when he completed the prescribed number of years of service he was promoted under the time bound one promotion scheme with effect from 30.11.1983. In view of the aforesaid facts, the respondents have sub-mitted that no injustice has been done to the applicant and the action of the Department should be sustained.

3. We have heard Mr.D.P.Dhalsamant, learned counsel for the applicant and Mr.Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents and perused the papers. Mr.Dhalsamant has vehemently argued that grave injustice has been done to the applicant inasmuch as his case was not considered for promotion under the 2/3rd quota for the years 1981 and 1982 and only when he completed the prescribed number of years he was promoted automatically to the L.S.G.cadre, under the time bound one promotion scheme. At the instance of the applicant we asked the Department to produce the minutes of the meetings of the Departmental Promotion Committee which was convened to consider the eligibility of the candidates for promotion under the 2/3rd quota for the years 1981 and 1982. Mr.Misra has produced the minutes of the D.P.C. We have found from this record that the case of the applicant was duly

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considered by the D.P.C. on 1.6.1982 for the year 1981 and on 17.9.1982 for the year 1982. For both the years they have found the applicant along with a few others unfit for promotion under the 2/3rd quota. In view of this the plea of Mr.Dhalsamant that the applicant's case was not considered by the D.P.C. is not sustainable. No malafide on the part of the D.P.C. or of the Department has been urged in this case. In view of this we are satisfied that the case of the applicant has been considered by the Departmental Promotion Committee and there is nothing for us to do in the matter and the case is disposed of accordingly . No costs.

*M. K. Gupta*  
 ..... 26.10.90  
 Member (Judicial)

*B. K. Mishra*  
 ..... 26.10.90  
 Vice-Chairman

Central Administrative Tribunal,  
 Cuttack Bench, Cuttack.  
 October 26, 1990/Saranghi.

