

Order dated 31.3.2005

None appeared for the applicant nor the applicant in person did appear when called. No request has also been made on his behalf seeking an adjournment. However, Shri R.C.Rath, learned Standing Counsel for the Respondents and was present and heard.

The applicant has assailed the Memorandum dated 29.3.2003 issued by the Deputy CPO, through which a panel of names was prepared for promotion to Sr.Scale of Group A and Group B officers in the Civil Engineering Department (Annexure-1) by ignoring his legitimate claim. He has also prayed for quashing the panel dated 13.8.2002 prepared by the Respondents for promotion of Asst.Engineers to Sr.Scale adhoc under Annexure-2. The grievance of the applicant is that he has been repeatedly superseded by his juniors.

The learned Standing Counsel for the Respondents has drawn our notice the fact that the applicant could not be considered for promotion to the aforesaid scale on the ground that a disciplinary proceeding was pending against him at the material point of time, as a result of which he was awarded penalty of withholding of increment for one year vide order dated 27.4.2001, which was to take effect from 1.5.2001. After the currency of the punishment was over, in the DPC, which was held thereafter, his case could not be considered as he did not come within the zone of consideration. In the circumstances, the Respondents have submitted that the application made

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by the applicant is misconceived and therefore,
the same is liable to be dismissed.

Having perused the records and having gone
through the facts of the case, we see lot of force
in the submission made by the learned Standing
Counsel for the Respondents and accordingly, the
O.A. is dismissed being devoid of merit. No costs.

G. S. Ganguly
MEMBER (JUDICIAL) 3/13

R. N. Bhattacharya
VICE-CHAIRMAN