

Central Administrative Tribunal
Calcutta Bench

CP(c) 81/2000
OA No. 837/96

6-1-2003

Present : Hon'ble Mr.S.Biswas, Member(A)
Hon'ble Mr.A. Sathath Khan, Member(J)

B.N. Chatterjee

-Vs-

Sunil Sengupta & Ors

For the applicant : Mr.S.R. Kar, Counsel

For the respondents : Mr.P.K. Arora, Counsel

ORDER

Mr.A. Sathath Khan, Member(J) :

Heard both sides. The applicant has filed this application as the respondents failed to comply with the directions of the Tribunal dated 7-3-01 in OA 837 of 1996. The relevant portion of the direction of the Tribunal reads as under:-

" So, in view of the aforesaid circumstances, we direct the respondents to consider the case of the applicant by holding review DPC, held under modified method of selection for the post of PWI Gr.I and the adverse ACR remarks should be over-looked which has not been communicated to the applicant. With this observation, we allow the application with a direction upon the respondents to take all steps within three months from the date of communication of this order and if applicant is found suitable, then all consequential benefits should be granted to him as per Rules. No costs ".

2. The abovesaid directions clearly shows that the respondents were directed to hold the review DPC ignoring the adverse ACR remarks which were not communicated to the applicant. We have perused the review DPC proceedings and we find that the DPC has taken into consideration the punishment awarded to the applicant in 1994, 1997, 1999 and 2000. The review DPC has acted illegally in taking into consideration the punishments awarded in those years. Hence, we are in view that the review DPC has not ^{considered} taken the case of the applicant properly in accordance with the directions issued by this Tribunal. The Review DPC ought not to have taken into consideration the alleged punishments of 1994, 1997, 1999 and 2000 as the review

18-6-93 J

DPC is supposed to consider the case as on ~~1-3-1993~~. As a consequence the Review DPC proceedings dated 6-7-01 is quashed and respondents are directed to hold a fresh review DPC as directed by this Tribunal taking into consideration the position as on 18-6-93 and they should confine themselves to the ACRs ending 31-3-1993. This exercise shall be completed by the respondents in 8 weeks time and the same should be communicated to the applicant within 4 weeks thereafter. The CP(c) is disposed of accordingly. No costs.



Member (J)

S. B

Member (A)