

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA. NO. 1199 of 1996

Date of order : 7.12.2001

Present : Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman
Hon'ble Mr. S. Biswas, Administrative Member

K.A. RAMAIAH

VS

UNION OF INDIA & ORS (DEFENCE)

For the applicant : Mrs. B.Mondal, Counsel

For the respondents : Mrs. U.Sanyal, Counsel

O R D E R

Per Justice D.N.Chowdhury, V.C.:

The key issue that requires adjudication in this OA is regarding the entitlement of the applicant for promotion to the post of Chief Draftsman in the following circumstances.

2. The applicant is presently working as Head Draftsman under the respondents and posted at Vishakapattanam. According to the applicant, he was promoted as Head Draftsman in the year 1981. The next promotional avenue is Chief Draftsman. A selection test was held in the year 1987 and according to the applicant, he qualified in the said test. But he was not promoted to the post of Chief Draftsman and in a most illegal fashion the respondents have given promotion to his juniors to march over him to the higher post. The applicant submitted a representation to the authorities. Since the same has not been disposed of, he has moved this Tribunal for redressal of his grievance.

3. The matter is pending before this Tribunal since 1996 and the respondents did not submit any written statement. Mrs. Uma Sanyal, ld. counsel appearing for the respondents submitted that she had drafted the written reply and sent for approval to the authorities, but no reply was forthcoming from the respondents. Therefore, she

could not file any written statement in this case. This is a very sorry state of affairs. We, however, refrain from making any further comment on this matter. We hope that the authority will ponder over the matter and see that such incidents do not recur in future.

4. In annexure-A1 dated 15.9.94, we find the seniority list of Drawing Office staff and the name of the applicant appears at serial No. 18. Against the column "Exam. Qualified", it is observed against the name of the applicant that he had qualified for Chief Draftsman in August 1987. It is submitted by the ld. counsel for the applicant that some juniors of the applicant had been given promotion to the post of Chief Draftsman as per order dt. 8.12.95 vide annexure-A while denying the said benefit to the applicant although he was qualified for the same long ago and is also senior to the persons who had been given such promotion.

5. From a representation of the applicant dated 6.6.96 (annexure-A2) we find that certain adverse remark was recorded against the applicant for the year 1993. If the applicant was qualified in the test in the year 1987, the adverse remark of 1993 could not be acted upon in denying him promotion. Even otherwise, if any representation was made against the adverse entries in the ACR by the applicant, the competent authority was to consider it and dispose of it as per rules. Be that as it may, on considering the entire materials on record, we are of the considered opinion that ends of justice will be met if a direction is given to the applicant to submit a fresh representation giving all the details along with a copy of this order and the respondents shall consider the same within a reasonable period.

6. Accordingly, the OA is disposed of with a direction to the applicant to submit a representation indicating all the facts along

with a copy of this order within one month from to-day and if such representation is made, the respondents shall consider his case for promotion to the post of Chief Draftsman in the light of the observation made above and pass a reasoned order and communicate the same to the applicant within two months from the date of receipt of the same. No costs.


MEMBER(A)


VICE CHAIRMAN