

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.457/98

Wednesday this the 25th day of March, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

N.V.Mathew
Senior Chargeman (Radio)
Labour Office, Naval Ship Repairyard,
Naval Base, Kochi-682004
residing at Nedumparambil House,
Nettoor Post, via. Maradu,
Ernakulam District.

...Applicant

(By Advocate Mrs.Sumati Dandapani)

Vs.

1. The Flag Officer Commanding-in-Chief,
Headquarters, Southern Naval Command,
Kochi.4.
2. Commodore Superintendent,
Naval Ship Repair Yard,
Naval Base, Kochi.4.
3. Chairman,
Departmental Promotion Committee,
Southern Naval Command,
Kochi.

..Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC (rep.))

The application having been heard on 25.3.98, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is a Senior Chargeman (Radio),
Naval Ship Repair Yard, Naval Base has filed this
application for a declaration that the post of Foreman
which has arisen due to the promotion of one K.A.Jose should
be decided by the third respondent only after the
completion of the financial year and for a direction to the
second respondent to complete the entries in the
Confidential Report of the applicant relating to the period
1997-98 forthwith for consideration by the ensuing

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Departmental Promotion Committee meeting for the post of Foreman and for a direction to the third respondent to consider the Confidential Report of the applicant relating to the period 1997-98 also before finalising the selection for the post of Foreman. It has been stated in the application that though the applicant is the seniormost Senior Chargeman, he was not promoted on the recommendations of the DPC which was held in the year 1996 as there was an entry in the ACR for the year 1994-95 as 'average', that if the ACR for 1997-98 also is not completed, he is not likely to be cleared by the D.P.C. even for the vacancy in question and that for these reasons, it is just and proper to direct the respondents to consider the applicant for promotion to the post of Foreman taking into account the ACR for the year 1997-98 also and to direct the second respondent to complete the entries in the ACR for 1997-98 to facilitate the consideration by the D.P.C.

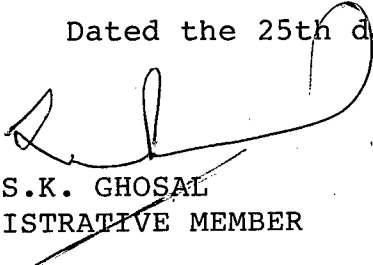
2. The Sr. Central Govt. Standing counsel took notice on behalf of respondents and sought some time to get instructions as to whether the A.C.R. of the financial year 1997-98 would be considered by the D.P.C. for filling up the post of Foreman which is subject matter of this application and to make statement in that regard.

3. Learned counsel for the respondents under instructions from the respondents stated that as the D.P.C. is scheduled to be convened on the 27th of March, 1998, the ACRs of the officials upto 31.3.97 alone would be taken into account and the ACRs of the current year not being relevant would not be taken into account. The ACR in this case is to be written financial yearwise and the reporting

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period ends only on 31.3.98. Therefore obviously for any D.P.C. to be held prior to that date, the ACR upto the preceding year alone would be relevant. The applicant therefore, does not have a case for a declaration that the ACR of the current year should also be taken into account. We do not find any substance in the application and therefore, we reject the same under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 25th day of March, 1998.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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