

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.543/2006

Dated the 27th day of February, 2008

CORAM :

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

P.P.Purushothaman
Assistant Engineer(Planning),
Kannur Central Division.,
Central Public Works Department,
Payyannur. Residing at No.II/667,
Ammankowal Quarters, Edat P.O.,
Payyannur, Kannur District. ... Applicant

In person.

V/s

- 1 Union of India represented by
Secretary, Ministry of Urban Development,
Nirman Bhavan, New Delhi-110 011.
- 2 The Director General (Works),
Central Public Works Department,
Nirman Bhavan, New Delhi-110 011.
- 3 Sushil Kumar Modi, Executive Engineer,
CPWD, Income tax Valuation Cell,
Income Tax Dept., Baroda
- 4 Gajendra Singh, Executive Engineer(Planning),
Central Public Works Department,
NDZ II, Nirman Bhavan, New Delhi
- 5 R.P.Singh Chauhan, Executive Engineer,
O/o the Engineer-in-Chief,
Public Works Department,
(Delhi Administration PWD),
M.S.O.Building, 12th Floor, I.T.O., N.Delhi
- 6 Arunkumar, Executive Engineer (TLC),
O/o the Addl. Director General (NR),
Central Public Works Department,,
Sewa Bhavan RK Puram, N.Delhi ... Respondents

By Advocate Mrs.Aysha Youseff ACGSC

The application having been heard on 27.2.2008 the Tribunal on the same day delivered the following :

(ORDER)

Hon'ble Shri George Paracken, Judicial Member

The applicant has filed the OA seeking the following reliefs:-

- "i call for the records and quash Annexure A1, to the extent it effects the applicant;
- ii direct Respondents 1 and 2 to review the applicant's non-promotion in Annexure A 1 from the post of Assistant Engineer to Executive Engineer (Civil) with effect from the date of Annexure A1 with all consequential benefits;
- iii quash the Annual Confidential Reports of the applicant for the years 2001-02 and 2002-03 and direct respondents 1 and 2 to promote him to the grade of Executive Engineer (Civil) after excluding such non-communicated Annual Confidential Reports purportedly falling below the bench mark for promotion, with all consequential benefits.
- iv grant such other and further reliefs as may be prayed for in the facts and circumstances of the case."

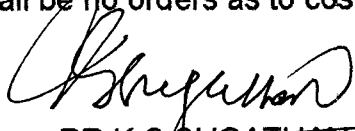
2 The grievance of the applicant is that he was not given adhoc promotion along with his seniors and juniors vide the Annexure A-1. Office Order No.99/2006 dated 12.5.2006 The other contention is that there were adverse remarks or downgrading of he Annual Confidential Report for the years 2001-02 and 2002-03. In our considered view, the aforesaid two reliefs are entirely of different nature. Moreover, the applicant has not given any representation to the Respondents against the alleged adverse remarks/downgrading in his Confidential Reports for the years 2001-02 and 2002-03.

4 When the matter came up today, the respondents counsel has submitted that the Government has already considered his case and the Director General of Works, Central Public Works Department, Nirman Bhavan, New Delhi has decided to promote him as Executive Engineer on ad hoc basis and the necessary posting orders will be issued by 4.3.2008. He has, therefore,



submitted that this OA has become partly infructuous

5 In the aforesaid position of the case, , this OA is disposed of with a direction to the respondents to issue the necessary promotion order to the applicant as Executive Engineer (Civil) as submitted by the Respondents. As regards his other prayer for quashing the adverse remarks in his Annual Confidential Reports for the years 2001-02 and 2002-03 is concerned, we consider it as premature and it is rejected accordingly. However, he is at liberty to make a representation to the respondents regarding this grievance. The Respondents, on receipt of such a representation shall consider the same and pass a speaking order in accordance with the rules within one month. There shall be no orders as to costs.


DR.K.S.SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

abp