

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 133 of 1990  
T.A. No.

DATE OF DECISION 11-11-1991

PS Cholavia

Applicant (s)

M/s CP Damodaran Nair &  
D Krishna Prasad

Advocate for the Applicant (s)

Versus

Union of India & 3 others

Respondent (s)

Mr P Sankarankutty Nair, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ↗
2. To be referred to the Reporter or not? ↗
3. Whether their Lordships wish to see the fair copy of the Judgement? ↗
4. To be circulated to all Benches of the Tribunal? ↗

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

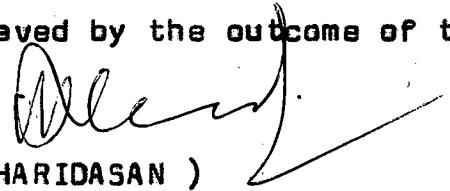
We have heard the learned counsel for the parties on this application in which the applicant has challenged the select list at Annexure-III dated 15.2.1989 and the consequential order of promotion on transfer dated 15.5.1989 at Annexure-V to the extent that his name was not included and the fourth respondent who is his junior was included and promoted to Grade-IV post of Superintendent. These impugned orders are admittedly the outcome of the proceedings of the Departmental Promotion Committee held on 10.2.1989. The learned counsel for the applicant indicated that a subsequent D.P.C. which met on 10.7.1990 recommended the applicant's name also for similar

promotion, but the order of promotion has not yet been issued. When this case was taken up today, the learned counsel for the respondents produced a communication in the form of a copy of Telex message No.518 dated 23.10.1991 received from the Passport Officer, Kozhikode in which the following was stated:

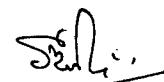
"REF OA/133/90 FILED BY SHRI P.S.CHOLAVIA ASSTT(.)  
MINISTRY HAS SINCE INFORMED US THAT THE DPC PROCEEDINGS  
HELD ON 10.12.89 AND 10.7.90 ARE BEING REVISED AS PER  
COMMITMENT MADE WITH CAT, CHANDIGARH AND A REVISED  
SELECT LIST WILL BE CIRCULATED AS SOON AS SAME IS  
FINALISED BY REVIEW DPC(.) KINDLY INTIMATE US  
WHETHER...."

From the above, it is clear that the proceedings of the D.P.C. held on 10.2.1989 (mistakenly indicated as 10.12.1989 but admitted by the learned counsel for the parties to be 10.2.1989) and of 10.7.1990 are being <sup>reviewed</sup> revised and that a revised list will be circulated on the basis of the recommendations of the Review D.P.C. The learned counsel for the respondents indicated that both the impugned orders at Annexure-III and V will be revised on the basis of the recommendation of the Review D.P.C. and that no undue benefit will be given to respondent No.4 vis-a-vis the applicant by virtue of the impugned orders. On the basis of this statement, the learned counsel for the applicant does not wish to press the application in its present form.

2. Accordingly, we do not find it necessary to go into the merits of the application any further. Consequently, we close this application with liberty to the applicant to move appropriate forum, in accordance with law, in case he feels aggrieved by the outcome of the Review D.P.C.

  
( AV HARIDASAN )  
JUDICIAL MEMBER

trs

  
( SP MUKERJI )  
VICE CHAIRMAN

11-11-1991