

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 133 of 1990
~~I. 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 DA/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 ^{reviewed} ~~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

(SP MUKERJI)
VICE CHAIRMAN

11-11-1991

trs