

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 202 of 1992

DATE OF DECISION 28.12.1992

R.N.Pillai _____ Applicant (s)

Party in person _____ Advocate for the Applicant (s)

Versus

Union of India rep. by _____ Respondent (s)
Secretary, Ministry of Information
and Broadcasting, New Delhi and others

Mr. George CP Tharakkan, SCGSC _____ Advocate for the Respondent (s)
through Mr. Poly Mathai

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman
and

The Hon'ble Mr. A.V.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
(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 5.2.92 filed under Section 19 of the Administrative Tribunals Act the applicant who has been working as Station Director, All India Radio challenged the adverse remarks given to him for the year 1987 and his supersession for promotion to the Selection Grade of Station Director in 1989 and 1991. The applicant has since retired during the pendency of this application on 30.9.92. The reliefs claimed by him are as follows:

" (i) to call for the records leadings upto Annexures C&D and to quash Annexures, A, B, C & D.

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- (ii) To restore the seniority of the applicant and to declare the applicant promoted to Grade 3700-5000 with effect from the date of Annexure-C, ie., December, 1989.
- (iii) To fix the pay scale of the applicant from such date of promotion and to pay the arrears due.
- (iv) To compute the applicant's pensionary benefits accordngly.
- (v) To pass such other orders as this Hon'ble Tribunal deems fit and proper in the circumstances of the case."

2. When the case was taken up for admission on 6.3.92 we passed the following order so far as admission is concerned:-

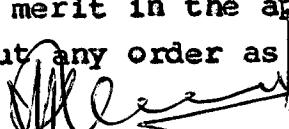
" The applicant has challenged 4 orders dated 23.2.88, 19.5.88, 1.12.89 and 4.7.1991 in this application which has been filed on 5.2.92. Keeping the conspectus of facts and circumstances in view and going through the application for condonation of delay, we do not find any sufficient reason for condoning the delay in respect of the impugned orders at A, B & C. The applicant states that he could not move this Tribunal as he was posted at Bhuj and the Ahmedabad Bench of the Tribunal there was not fully functioning. But he states that he was posted back to Kerala in 1991 and yet for reasons best known to him, he did not challenge the impugned orders until Feburary, 1992.

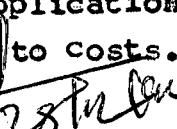
In the circumstances, we admit this application only so far as the impugned orders dated 3.7.91 at Annexure-D is concerned."

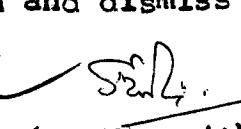
3. The impugned order at Annexure-D dated 3.7.91 is the Presidential order promoting 8 officers from the grade of Station Director (Ordinary Grade- Rs.3000-4500) to the grade of Station Director (Rs.3700-5000) in the All India Radio and Doordarshan. The eight names do not include the name of the applicant. The applicant has challenged his supersession of 1991 solely on the ground of the adverse remarks which were communicated to him by the impugned order dated 23.2.88 at Annexure-A and the representation against which was rejected by the impugned order dated 19.5.88 at Annexure-B. Since the application was not admitted in respect of these two impugned orders the adverse remarks of 1987 remain untouched.

4. When the case was taken up for arguments the respondents brought to our notice the Recruitment Rules for promotion to the Selection Grade of Station Director from the Ordinary Grade, which clearly shows that the method of promotion is by selection. When it is so, the applicant cannot have any grievance if his juniors are recommended for promotion in preference to the applicant. The applicant has not made out any case of perversity, malice or arbitrariness against the D.P.C. which did not include him in the panel for promotion to the Selection Grade in 1991. He does not seem to have represented against his supersession by the impugned order dated 3.7.91 as he had done against his supersession in 1989.

5. In the facts and circumstances indicated above, we find no merit in the application and dismiss the same without any order as to costs.


(AV Haridasan)
Member (Judicial)


SP Mukerji
28.12.92


(SP Mukerji)
Vice Chairman

28.12.92