

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
-I-A- No.

297/91

199

DATE OF DECISION 14.11.91

A.K. Bolur

Applicant (s)

Mr. V.N. Remasan

Advocate for the Applicant (s)

Versus

The Director, CPCR Institute,
Kasargod and another Respondent (s)

Mr. P.V. Madhavan Nambiar

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Member (Administrative)

The Hon'ble Mr. N. Dharmadan, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

N. Dharmadan, M(J)

The applicant is challenging Annexure-2 order passed by the Director, Central Plantation Crops Research Institute (under ICAR) Kasargod, which was issued pursuant to the directions of this Tribunal in Annexure-I judgment dated 27-11-89.

2. Aggrieved by the denial of timely confirmation in the category of Assistant and further promotion to the category of Supdt., the applicant filed OAK 328/88. This was allowed with directions as per judgment Annexure-I dated 29-11-89.

3. The applicant joined as L.D.C. on 7-3-67

and he was promoted as U.D.C. through Departmental

Competitive examination with effect from 7-11-67.

He was confirmed in that post with effect from 1-1-73 .

The next promotion from the post of U.D.C. is to the

cadre of Assistant against 50% promotion quota. The

applicant was promoted as Assistant in accordance

with the provisions of Recruitment Rules on 13-4-76.

He was confirmed in that post with effect from 1-1-84.

The applicant is aggrieved by the delay in confirmation.

According to him his juniors including the 2nd respondent

were confirmed as Assistant in 1979. The applicant

had been stagnating as Assistant, hence he has filed

the earlier case which resulted in ~~xxxxxxx~~ Annexure-I

judgment in his favour, with specific directions.

4. The respondents have stated that the impugned

order has been passed in due compliance with the

directions of the earlier judgment in Annexure-I and

that the application is liable to be rejected because

the DFC has considered his case along with the 2nd

respondent, but his case was not recommended by the

D.P.C.

5. The relevant portion of the impugned order reads as follows:

"...3. Taking into account of the factors at 1 and 2 above, and also considering the recruitment rules for the post of Supdt., the CCRS of Shri A.K. Bolur and Kum.K. Usha for the period from 1976 to 1986 in the post of Assistant and other relevant service records of the officials concerned, the recommendation of the Review DPC, upholding the promotion of Kum. Usha to the post of Supdt. (by selection) as recommended in the original DPC held on 19-9-87, has been accepted.."

6. At the time of hearing the only question that has been stressed by the learned counsel for the applicant is that the review DPC has not carefully considered all the facts and documents pertaining to relevant years and hence proceedings of the Original DPC, recommending the selection of the 2nd respondent to the post of Supdt. cannot be upheld. The learned counsel for the applicant also submitted that the departmental proceedings and the minutes of the Review DPC held on 28-8-90 should be perused before pronouncing the judgment. In the light of the submission of the learned counsel, it was felt that we should peruse the proceedings of DPC. We have carefully examined the minutes and proceedings of review DPC, which were placed before us by the respondents.

7. On going through the records, it is noticed that the committee has taken into account all the facts and the details as borne out from the documents (i) to (iv). The committee made comparative assessment of merits in respect of Shri S.K. Bolur (the applicant).

and Smt. K. Usha(2nd respondent). The committee found that the marks scored by Smt. Usha is 58 points, but the applicant could score only 34 points. The details of the marks secured by the applicant and 2nd respondent are discern-ble from the DPC proceedings. We extract below relevant materials:

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Name	Date of joining as Assistant	Qualification marks	Marks obtained based on ACRs (from 1977-to '86)	Total
a. A.K. Bolur	13-4-1976	10 (S3LC)	24	34
b. K. Usha	16-10-76	20(Graduate)	38	58 //

a: the applicant b: the 2nd respondent

8. Having considered the matter in detail in the light of the statement showing the marks secured by the applicant and the second respondent, we are satisfied that the committee has carefully considered all the relevant aspects while making recommendation for promotion in accordance with law. In the light of the minutes recorded by the committee we see no merit in the contentions of the applicant and there is no materials to substantiate the contentions raised by the applicant. Hence we are inclined to dismiss the application.

9. Accordingly, we dismiss this application without any order as to costs.

(Signature)
(N. Dharmadan)
Member(Judicial)

(Signature)
(N.V. Krishnan)
Member(Administrative)