

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 371/99

Friday, this the 26th day of March, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

HON'BLE MR BN BAHADUR, ADMINISTRATIVE MEMBER

J. Ponraj,
S.C. No. 24321, Senior Technician 'A',
FMBD/PRSO, Vikram Sarabhai Space Centre,
Thiruvananthapuram.

...Applicant

By Advocate Mr. K.P. Kylasanatha Pillai

Vs.

1. Union of India represented by
The Secretary,
Department of Space,
New Bel Road,
Anthariksha Bhavan,
Bangalore.
2. The Chairman,
Indian Space Research Organisation,
Anthariksha Bhavan,
Bangalore.
3. The Director,
Indian Space Research Organisation,
Thiruvananthapuram.
4. The Controller,
Vikram Sarabhai Space Centre,
Thumba, Thiruvananthapuram.
5. The Administrative Officer,
Recruitment Section,
Department of Space,
Thiruvananthapuram.

...Respondents

By Advocate Mr. C.N. Radhakrishnan

The application having been heard on 26.3.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

The applicant seeks to issue a direction to the
respondents to modify A-11 to the extent that the promotion
of the applicant as Senior Technician 'A' with effect from
1.10.1992 instead of 1.4.1995 and to declare that he is

entitled to get promotion to the post of Senior Technician 'A' with effect from 1.10.1992.

2. The applicant is presently working as Senior Technician 'A' under the respondents. He was promoted to the said cadre with effect from 1.4.95. Applicant states that all others were given promotion to the post of Senior Technician 'A' within a period of five to six years and it is denied only to him. The learned counsel appearing for the respondents submitted that the applicant was considered for promotion by the duly constituted Departmental Promotion Committee(DPC for short) and the Committee found the applicant on both occasions unfit for promotion. On the third occasion he was again considered for promotion and was promoted to the post of Senior Technician 'A' with effect from 1.4.95.

3. The applicant cannot rest his case and claim the relief for promotion retrospectively with effect from 1.10.92 on the ground that others were promoted within a period of five to six years. Others who got promotion as Senior Technician 'A' within a period of five to six years, got it not based on the years of service but purely based on their merit assessed by the duly constituted DPC. It is for the DPC to assess the merit and arrive at a conclusion whether one is fit to be promoted or not. The Tribunal cannot sit in appeal against the decision of the DPC. Since the only ground on which the applicant relies for the relief sought is that, others got promotion as Senior Technician 'A' within five to six years and as already said it is based on the merit assessed by the DPC and having found fit for promotion and the applicant having been not found fit for promotion on the two earlier occasions, the applicant cannot be heard to say that he should be granted promotion retrospectively with effect from 1.10.92.

4. The applicant has made an allegation of malafides against his superiors. It is not known against whom he has made the allegation of malafides. Nobody is brought in the party array by name. In the absence of anyone having been brought in the party array by name the question of malafide cannot be looked into.

5. We do not find any merit in the O.A.

6. Accordingly, the O.A. is dismissed. No costs.

Dated the 26th day of March, 1999.

B.N.Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER

nv
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A.M. SIVADAS
A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES REFERRED TO IN THE ORDER

Annexure A-11:

True copy of the order No.VSSC/EST/F/1(5) dated 22.10.1992 of the 5th respondent's office.