

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 459/2007

This the 20th the day of October, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Hon'ble Dr. A.K. Mishra, Member(A)

Awadhesh Kumar, Aged about 33 years, S/o late Sri P.L. Vishwakarma, presently posted as Drilling Engineer (Junior) in Geological Survey of India, Aliganj, Lucknow. R/o 38/III, GSI Colony, Sector Q, Aliganj, Lucknow.

.....Applicant

By Advocate: Sri Raj Singh

Versus

1. Union of India through Secretary Government of India, Ministry of Coal & Mines, New Delhi.
2. Director General, CHQ, Geological Survey of India, 27-Jawahar Lal Nehru Road, Kolkata.
3. Union Public Service Commission through its Secretary, Dholpur House, Shahjahan Road, New Delhi.

.....Respondents

By Advocate: Sri P. Awasthi for Sri A.K. Chaturvedi for R-3

ORDER

By Dr. A.K. Mishra, Member-A

The applicant has made a prayer for holding review DPC to consider his case for promotion on the post of Drilling Engineer (Senior) in Geological Survey of India (GSI) from the date Engineers in his cadre were promoted on the basis of recommendations of Departmental Promotion Committee (DPC) held on 12.9.2007,

2. At the time of hearing, the learned counsel for the applicant submits that three vacancies had arisen on account of promotion of three Drilling Engineer (Senior) on the post of Director (Drilling) vide promotion order dated 2.8.2007. These



vacancies were available when DPC meeting was held on 12.9.2007 to consider the candidates for promotion on the post of Drilling Engineer (Senior). He places reliance on the Government circular relating to holding of review DPC meeting, which says that a review DPC could be held in the event of existing vacancies not having been reported or on account of omission of vacancies that existed at the time of holding of DPC. Since DPC was held on 12.9.2007 and three additional vacancies had arisen by then, there was an apparent omission on the part of the respondent-authorities in bringing this fact before DPC.

3. The respondents have taken ground that the DPC held on 12.9.2007 was dealing with the vacancies pertaining to the years 2005-06 and 2006-07; therefore, vacancies which arose in August, 2007, were not informed to the Committee. The applicant was recommended by the subsequent DPC meeting which took into account these vacancies and the applicant was promoted. The representation of the applicant was rejected on 28.2.2008 on this ground.

4. We find that the Government instructions require that all the vacancies which existed at the time of DPC meeting should be taken into account while drawing up a panel of suitable candidates. Admittedly, there was omission on the part of department in informing the committee about the vacancies, which arose in the month of August, 2007; therefore, there is a justifiable case for holding of review DPC and considering suitable candidates for promotion from the date candidates



were promoted on the basis of recommendations of DPC held on 12.9.2007,

5. In view of the above, this O.A. is disposed of with a direction to the respondents to hold review DPC in respect of three additional vacancies, which arose in the month of August, 2007 and consider eligible candidates for promotion from the date others were promoted on the basis of recommendations of DPC held on 12.9.2007. The aforesaid exercise shall be completed within a period of four months from the date of supply of a copy of this order. No costs.


(Dr. A.K. Mishra)
Member-A


(Ms. Sadhna Srivastava)
Member-J

Girish/-