

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 453/2009

This the 12th day of November, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Dr. A.K. Mishra, Member (A)

Ajai Verma aged about 53 years son of Dr. N. Verma r/o B-169,
Nirala Nagar, Lucknow.

Applicant

By Advocate: Applicant in person

Versus

1. State of U.P., through Principal Secretary, Home Secretariat, Lucknow.
2. Chairman, UPSC, Dholpur House, New Delhi.
3. Union of India through Secretary, Home, Central Secretariat, New Delhi.

Respondents

By Advocate: Sri Pangak Awasthi for Sri A.K. Chaturvedi for
Respondents No. 1 and 2.
Sri Ganga Singh for respondent No.3.

ORDER

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

This case has come up for admission before us. The
reliefs sought for by the applicant are as follows:-

- i) a correct re-appraisal and scrutiny of petitioner's case for promotion so that he is not superseded on account of malice driven irregularities.
- ii) an order for leaving a seat vacant for promotion, if needed
- iii) any further relief which Hon'ble Tribunal may deem proper, along with costs.

2. The applicant appeared in person. We tried to explain to him that the O.A. has not been framed in accordance with law as to enable us to understand his grievance, particularly the order by which he is aggrieved. Section 19 (1) of the AT Act provides that a person aggrieved by an order can approach the Tribunal. The explanation to Section 19(1) is as under:-

"Explanation- For the purposes of this sub-section, "order" means an order made-




- (a) by the Government or a local or other authority within the territory of India or under the control of the Government of India or by any corporation (or society) owned or controlled by the Government; or
- (b) by an officer, committee or other body or agency of the Government or a local or other authority or corporation (or society referred to in clause (a))."

3. Para 1 of the application reads as follows:-

"The applicant challenges the arbitrary, illegal, mala fide and irregularities -ridden proceedings of the departmental promotion committee (DPC) which met on 16.10.2009 to finalise the Select List of Provincial Police (PPS) officers for promotion into the Indian Police Service (IPS) which may have wrongly superseded petitioner. The apprehension gets credence from newspaper reporting of 5.11.2009 –Annexure 1 of further information being sought by UPSC.

4. The newspaper report as contained in Annexure 1 indicates that DPC which met on 16th October, 2009 has not yet taken any decision. If so, the instant O.A. is pre-mature. The applicant can approach the Tribunal against the order of supersation (as apprehended). We are not supposed to control or interfere in the decision taking process of the DPC. Therefore, the instant O.A. is pre-mature.

5. The application is dismissed as pre-mature at the admission stage itself with liberty to the applicant to approach the Tribunal at appropriate stage. No costs.


(Dr. A.K. Mishra)
Member (A) 12/11/09


(Ms. Sadhna Srivastava)
Member (J)

HLS/-