

CENTRAL ADMINISTRATIVE TRIBUNAL , ALLAHABAD

CIRCUIT BENCH

LUCKNOW



T.A. 1025/87
(W.P. No. 540/82)

X/6

Kishan Lal

Petitioner

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C)

The applicant who was an L.D.C.in Films Division, Govt.of India, Ministry of Information and Broadcasting, approached the High Court against the supersession by respondents 6 to 11 who were junior to them and were promoted on 28.11.81 to the post of U.D.C., but the applicant was not promoted. Against the said order he filed writ petition which by virtue of operation of section 29 of the Administrative Tribunals Act, 1985 stood transferred to this Tribunal. During the pendency of the writ petition, the applicant was transferred, as such the scope of this application is very limited. On behalf of the applicant it has been contended that there were adverse remarks and the enquiry proceeded which culminated in minor penalty. The respondents have stated that the disciplinary proceedings were not taken into account by the D.P.C. which considered the case of the promotion of the applicant and his juniors.

2. In the counter, filed by the respondents it has

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been stated that the applicant's contention that his record was very good is not correct and that the adverse remarks were against him in the character roll and his record was duly considered on the basis of which he was adjudged unfit for the post.

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3. The remarks had not been communicated to the applicant and the un-communicated remarks should not have been considered. The remarks have not been communicated, and the uncommunicated remarks were taken into account. In view of this the proceedings of D.P.C. are vitiated. The application is partly allowed and the respondents are directed to constitute the review D.P.C. and consider the case of the applicant with effect from the date his juniors were promoted. The review D.P.C. will ignore the adverse remarks uncommunicated to the applicant. The applicant if found fit in Review DPC will be promoted from 28.11.81 ~~and~~ in case the applicant is promoted with effect from the date, the applicant ~~claims he~~ will be entitled to all consequential benefits.

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VC

LUCKNOW Dated 17-9-91