

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

ORIGINAL APPLICATION NO.378/92

This the 17th day of May 2000.
HON.MR.D.C.VERMA MEMBER(J)
HON.MR.A.K.MISRA MEMBER(A)

Dwij Pal Singh, aged about 53 years, Son of Sri Devi Singh, R/o
Joint Secretary, Uttaranchal Vikas Vibhag, U.P. Government, Vikas
Bhawan, Janpath, Lucknow. applicant
None for applicant.

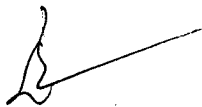
Versus

1. Union of India through Secretary, Appointment
Department(Karmik), Central Secretariat, New Delhi.
 2. State of U.P. through Secretary, Appointment Department,
U.P.Government, Secretariate, Lucknow.
- Advocate Sri. A.K.ChaturvediRespondents.

O R D E R

BY D.C. VERMA MEMBER(J)

1. Vide this O.A., the applicant has claimed for
consideration of his promotion to IAS Cadre from the date his
junior was promoted.
2. The facts of the case is that the applicant is a
Demobilised Officer from the rank of a Major in the Indian Army.
After being selected in the Provincial Civil Service (Executive
Branch) (PCS), the applicant joined on 24.5.1974 on probation for
two years. For the purposes of seniority, as claimed, the
applicant was given 1964 as the year of allotment. The
applicant was placed just below the candidates who have qualified
at the 1963 Examination of PCS. The applicant claims to have been
promoted to the senior scale w.e.f. 7.7.1980. As per the recitals
made in the O.A., on completion of 16 years of service, the
applicant became eligible for being promoted to the special grade
of PCS. But in the seniority list published in 1987, the applicant
was shown junior to R.K. Dubey. The applicant had been confirmed
in the junior scale on 29.7.1980 w.e.f. 1.7.1980. The applicant
was further confirmed in the senior scale w.e.f. 15.9.87. The
greivance of the applicant is that his name was not included



In the list of eligible officers who were given promotion to the Indian Administrative Service(IAS), hence this O.A.

3. The respondents case is that the name of the applicant was included in the list of eligible candidates of PCS for promotion to IAS. However in the meeting held in March 2nd ,1993, the name of the applicant was not included in the select list on the basis of relative assessment. It has been therefore, submitted that the applicant has no case. We have heard Learned Counsel for the respondents. As none appeared for the applicant we have examined the pleadings on record.

4. As per the recitals made in the O.A., the applicant was awarded adverse entry for the years 1975-76, 1976-77, 1977-78, for the period 13.7.81 to 31.3.82 and again for the period 1.4.82 to 31.3.83. Thereafter adverse entry was awarded for the year 1988-89. As per the O.A., the adverse entry for the year 1975-76 was expunged. For the year 1976-77, the applicant was awarded ^{5 for} censure entries, again the year 1977-78 a censure entry was given. The adverse entry for the year 13.7.81 to 31.3.82 was expunged. Similarly the adverse entry for the year 1.4.82 to 31.3.83 was also expunged. Against the adverse entry for the year 1988-89 ^{5 which} the applicant made a representation ⁵ was pending. However as per the recitals made in Para 16 of the counter affidavit, the representation of the applicant was rejected and communicated to the applicant vide letter dated September 2nd 1992.

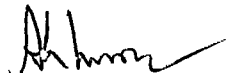
5. It is claimed in the O.A. that as the applicant had been confirmed in the junior scale on 29.7.1980 the effect of censure entries of the year 1976-77 and 1977-78 was completely obliterated. Similarly when the applicant was promoted to the senior scales, the previous adverse entry would be deemed to have been washed off.

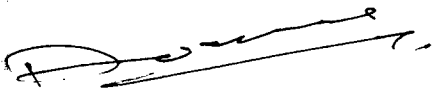
6. After going through the pleadings on record, we are not required in the present case to examine the effect of promotion on the adverse entries awarded to the applicant earlier. We find from the recitals made in the counter affidavit, that the case of the applicant had been considered by the Selection Committee Meetings held in the year 1987,1989,1990,1991 and 1992. In all these meetings, the name of the applicant was duly considered by the Selection Committee, but on the basis of the relative assessment of his service record the name of the applicant was not



included in the select list. Non inclusion of the applicant's name after the Selection Committee Meeting of all earlier years, were not challenged by the applicant in any court of law. This Tribunal can not sit in appeal to examine the applicant's relative merit vis-a-vis the merit of the other candidates, whose names were considered in the various meetings. As the name of the applicant was not included in the select list for promotion to IAS on the basis of relative seniority of all years, including in the year 1992-93, we find no merit in the case. We therefore hold that the application is devoid of merit.

7. In view of the above discussion the O.A. is dismissed. Costs easy.


MEMBER(A)


MEMBER(J)

Lucknow. 17.5.2000 .

Date.

V.W.