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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at LUCKNOW

Registration O.A. No. 93 of 1988

Onkar Verma

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Applicant

Versus

Union of India and others

Respondents

Hon'ble Mr. D.S. Mishra, A.M.

Hon'ble Mr. D.K. Agarwal, J.M.

(By Hon. Mr. D.S. Mishra, A.M.)

In this application under section 19 of the Central Administrative Tribunal Act, the applicant has prayed that the decision of the review D.P.C. dated 28-6-1988 be quashed and the applicant be declared promoted on the post of Administrative Officer with effect from 1981 with all benefits. The applicant had filed a suit in the Court of Munsif South, Lucknow which came on transfer under section 29 of the Administrative Tribunals Act No. 13 of 1985 and was decided on September 25, 1987. The order passed by the Tribunal, directed the respondents that the plaintiff's case for confirmation with effect from 1.1.1975 be re-assessed in terms of observations made in the judgment. The respondents were further directed to re-assess the plaintiff's case for promotion as Administrative Officer as in the year, 1981. The applicant's grievance is that the respondents have passed order of his confirmation with effect from 1-1-1975, but, have denied him promotion on the

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post of Administrative Officer with effect from 1981. In the reply filed on behalf of respondents, it is stated that the petitioner's case was reviewed by a D.P.C. and the findings of the review D.P.C. have not gone in his favour, since all those selected earlier had better assessment ratings.

2. We have heard the arguments of the learned counsel for the parties. The main contention advanced on behalf of the applicant is that the findings of the D.P.C. are arbitrary and discriminatory. The learned counsel specifically mentioned the case of one Shri K.C. Jain who has been promoted in spite of an order of punishment passed against him by the Department. This contention has been contested by the learned counsel for the respondents, who has contended that the selection for the post of Administrative Officer is made by selection method and the officers ~~for~~ in the field of selection are classified as outstanding, very good, good and unfit on the basis of the records of service of the officers. It is also contended that the findings of the D.P.C. cannot be a matter of adjudication by this Tribunal. It is ~~further~~ contended that merely because an order of punishment was passed against Shri K.C. Jain did not deprive him of his right of consideration for promotion on the basis of his confidential reports.

3. We have considered the matter and we are of the opinion that there is no justification for interference with the assessment made by the D.P.C. in

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assessing the suitability of the applicant for promotion as Administrative Officer. The absence of communication of any adverse report to the applicant, as contended by the learned counsel for the applicant, does not prove that he was to be classified either as an outstanding officer, or as a very good officer for his name being included in the panel prepared by the D.P.C. for promotion to the post of Administrative Officer.

4. On the facts and circumstances of the case, we are of the opinion that there is no merit in the application and the same is dismissed without any order as to costs.

J. M. Regan
J.M.

Sharma
A.M.

(sns)

March 30, 1989.