

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

XXXXXXXXXXXXXX
NEW BOMBAY BENCH

XXXXXX
T.A. No.

134/87

XXX

DATE OF DECISION 19.9.1988

Shri T.V.Unnikrishnan,

Petitioner

Smt.P.R.Shetty

Advocate for the Petitioner(s)

Versus

Union of India & Anr.

Respondent

Mr.S.R.Atre

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.Gadgil, Vice-Chairman,

The Hon'ble Mr. P.S.Chaudhuri, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement? - 49
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? / NO
4. Whether it needs to be circulated to other Benches of the Tribunal?



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Tr. Application No.134/87.

Shri T.V.Unnikrishnan,
Qtr. No.172/C, Type II
(Modified) Varangaon,
Dist. Jalgaon.

... Applicant

V/s.

1. Union of India,
Summons to be served on
General Manager, Ordnance
Factory, Varangaon,
Tal. Bhusaval,
Dist. Jalgaon.
2. Shri R.S.Jaiswal,
O/o. The General Manager,
Ordnance Factory,
Varangaon,
Tal. Bhusaval,
Dist. Jalgaon.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Mrs.P.R.Shetty,
advocate for the
applicant and
Mr.S.R.Atre, (for
Mr.P.M.Pradhan) for
the respondents.

Oral Judgment:

(Per Shri B.C.Gadgil, Vice-Chairman) Dated: 19.9.1988

Regular Civil Suit No.125/1982 of the file of the
Civil Judge, Senior Division, Jalgaon is transferred to this
Tribunal for decision.

2. The controversy is regarding the claim of the
applicant to the promotional post as Security Assistant.
It is not necessary to give the detailed service history of
the applicant. Suffice it to say that he joined service
in 1963 as a 'messenger boy' and thereafter he was promoted
in the first instance as an orderly and then as a
Lower Division Clerk. The next promotional post is that
of Security Assistant. S/Shri Ghodke, P.T.Thakre and
M.P.Narkede are 3 Lower Division Clerks who are junior to
the applicant. On 28.9.1981 these 3 junior Lower Division
Clerks were promoted. However, the applicant was not

promoted. It is this action on the part of the department that is challenged by the applicant. In substance the contention of the applicant is that he should have been promoted as Security Assistant.

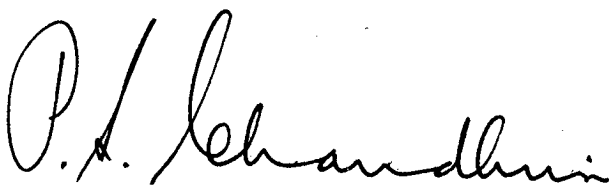
3. The respondents resisted the suit by filing their written statements. They contended that a DPC was held before making these promotions and that the DPC found the applicant as not suitable for promotion.

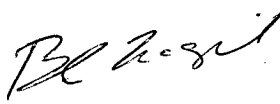
4. We have heard Smt. Shetty for the applicant and Mr.S.R.Atre (for Mr.P.M.Pradhan) for the respondents.

Mr.Atre has made available to us the file containing the Annual Confidential Reports of the applicant. He has also shown to us the DPC proceedings. It is clear that the DPC has considered the case of the applicant and other eligible candidates on 31.8.1981. The DPC found that the applicant was not suitable. The contention of the applicant is that this finding of the DPC was erroneous. It should however, not to be forgotten that this Tribunal would not interfere with the assessment made by the DPC unless it is found that the said assessment is on the basis of irrational data. After going through the Annual Confidential Reports of the applicant for 3 years prior to 31.8.1981, we are satisfied that the D.P.C. has taken into account the said Annual Confidential Reports in their proper prospective while coming to a conclusion that the applicant was not suitable for the promotion. We may also observe that while considering the case of the applicant the DPC has taken care to see that the applicant was senior to the above mentioned 3 persons and then came to a conclusion that the applicant was not

suitable. In view of this decision it will be very difficult for us to interfere with the decision of the department for not promoting the applicant to the post of Security Assistant.

5. For the above reasons the application (Regular Civil Suit No.125/82 of the file of the Civil Judge, Senior Division Jalgaon) is dismissed. There would however, be no order as to costs. All the records that is made available to us is returned to Mr.S.R.Atre.


(P.S.CHAUDHURI)
MEMBER (A)


(B.C.GADGIL)
VICE -CHAIRMAN.