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CAT/112

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH
CIRCUIT SITTINGS AT NAGPUR.

O.A. No. 85/88 198
~~TA No.~~

DATE OF DECISION 24.6.1988

Shri R.D.Mutkure

Petitioner

Advocate for the Petitioner(s)

Versus

The Secretary, Deptt. of Science & 2 Ors.
Respondent

Shri Ramesh Darda

Advocate for the Respondent(s)

CORAM

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

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

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTINGS AT NAGPUR, NAGPUR.

Original Application No.85/88.

Shri R.D.Mutkure,
C/o.M.S.Memon,
Accountant,
All India Radio,
Civil Lines,
Raipur - M.P.

... Applicant.

V/s.

1. The Secretary Govt. of India,
Department of Science, and
Technology,
New Delhi.
2. The Director General,
of Meteorology,
Mausam Bhavan,
Lodhi Road,
New Delhi.110 003.
3. The Regional Director,
Regional Meteorological Centre,
Air-port,
Nagpur.5.

... Respondents.

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

JUDGMENT:

Per Shri P.Srinivasan, Member(A)

Dated: 24.6.1988

This application was listed before us for ^{admission} ~~hearing~~.

We heard the applicant in person and Shri Ramesh Darda for the Respondents on 21.6.1988 and 23.6.1988.

2. The applicant who is working as a Peon in the Office of the Regional Director, Meteorological Centre, Nagpur complains that while persons junior to him have been promoted as Observatory Attendants he had been left out. The applicant argued this case himself. He stated that he came to know only in June, 1987 when he was transferred to the Regional Meteorological Centre, Nagpur from Raipur that his juniors had already been promoted. He came to know that in a DPC meeting held on 15.4.1986 he was not found fit for promotion from a letter dt. 17.7.1987 received by him. He submitted that so far as Peons are concerned there were Circulars stating that it was not necessary to maintain Confidential Character Rolls and therefore, the DPC

should not have gone by his Confidential Reports (CR). He further complains that in order to harm his interest further the respondents have communicated to him adverse remarks made in his CR for 1986-87. For promotions of Peons to posts of Observatory Attendants only seniority should have been the criteria^{of} and not CR.

3. Shri Darda, learned counsel for the respondents, produced the records of the meeting of the DPC held on 25.4.1986 in which the cases of the applicant and others were considered for promotion, the applicant being the seniormost among them. After examining the reports of all the persons, the DPC recorded the conclusion that all except the applicant were fit for promotion. Shri Darda submitted that the applicant had not alleged mala fides on the part of the DPC or of any animus against him by any member of the DPC. The DPC having come to the conclusion after deliberation^{of} that the applicant was not fit for promotion there is no scope for interference by this Tribunal.

4. Having heard both sides we are of the view that this application has to fail. It may be that instructions have been issued not to maintain CR's for Peons except in respect of those engaged in sensitive work. But when such reports are maintained we see nothing wrong in a DPC judging the relative suitability of the candidates for promotion by reference to these. Moreover, a DPC considers the suitability of officials from all angles and comes to a decision that some are fit and some are not. We cannot doubt the judgment of a DPC which is the most competent authority in such matters^{of}, unless it is alleged that any member of DPC acted mala fide. There is no such allegation in this case. In view of this we cannot substitute our judgment for that of the DPC.

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5. In view of the above, we reject this application at the admission stage itself. Parties to bear their own costs.

B. C. Gadgil

(B.C.GADGIL)
VICE -CHAIRMAN

P. Srinivasan

(P.SRINIVASAN)
MEMBER(A).