

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXX~~
NEW BOMBAY BENCH

O.A. No. 632 of 1988
~~XXXXXX~~

DATE OF DECISION 4.1.1989

Shri P. Madhava Menon Petitioner

Shri D.V. Gangal Advocate for the Petitioner(s)

Versus

Chief of the Naval Staff, Respondent
Naval Headquarters, New Delhi & four Others.

Shri V.S. Masurkar Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B. Mujumdar, Member(J)

The Hon'ble Mr. M.Y. Priolkar, 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? *No*
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? *No*

(4)

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

Original Application No.632 of 1988

Shri P.Madhava Menon,
No.103/1, Naval Armament Depot,
Karanja,
Dist:Raigad,
Maharashtra.

.. Applicant.

V/s.

1. Chief of the Naval Staff,
Naval Head Quarters,
South Block,
New Delhi-110 011.
2. The Naval Armament
Supply Officers,
Gungate,
Bombay-400 023.
3. The Naval Armament Supply
Officers, Karanja,
District: Raigad,
Maharashtra.
4. Shri A.K.Banarjee,
Senior Foreman of Factory,
Naval Armament Depot,
Karanja,
Dist:Raigad,
Maharashtra.
5. Shri M.T.Bhaskaran,
Senior Foreman(AWS),
Naval Armament Depot,
Karanja,
Dist:Raigad,
Maharashtra.

.. Respondents.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar
Hon'ble Member(A), Shri M.Y.Priolkar

Appearance:

1. Shri D.V.Gangal,
Advocate for the
applicant.
2. Shri V.S.Masurkar,
Advocate for the
respondents.

ORAL JUDGMENT:-

Dated: 4.1.1989

[Per Shri M.B.Mujumdar, Member(J)]

The applicant has filed this application under
Section 19 of the Administrative Tribunals Act, 1985,

challenging the promotion of respondents Nos. 4 and 5 to the post of Assistant Armament Supply Officers on the recommendations of the Departmental Promotion Committee(DPC) held in May, 1988 and his non-promotion to that post.

2. By order passed on 6.10.1988, notices were issued to the respondents regarding admission hearing, returnable on 25.11.1988. On 25.11.1988 after hearing the advocates for both sides, the respondents were directed to keep ready for the perusal of the Tribunal the DPC proceedings for the post of Assistant Armament Supply Officers in which respondents No.4 and 5 were selected. The respondents' advocate Shri V.S.Masurkar stated that although he had received parawise comments, he had not received the DPC proceedings. However, he had stated that he would get them by 4.11.1989 i.e. today and would also file reply before that date with a copy to the applicant's advocate. He was also asked to get the relevant Annual Confidential Reports regarding the applicant. That is how this case has come before us today for admission.

3. We have seen the copies of the meeting of the DPC held on 17.5.1988 to recommend persons for promotion to the grade of Assistant Armament Supply Officers in the Indian Navy. We have also seen the Confidential Reports regarding the applicant.

4. At this stage we may point out that Mr.Gangal, learned advocate for the applicant requested for giving

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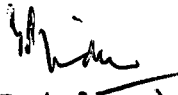
inspection of the DPC proceedings. On our directions, Mr. Masurkar, Learned advocate for the respondents agreed to show minutes of DPC proceedings to the applicant's advocate. But we are told now by Mr. Masurkar that the applicant's advocate was insisting that the minutes be shown to the applicant. Mr. Gangal submitted that a party is entitled to inspection of the documents merely by going through the documents. We are of the view that when a party is represented by an advocate the ~~at least at the stage of admission~~ advocate alone will be entitled to see the documents, / Mr. Gangal relied on some authorities in support of his submission. But we do not think it necessary to refer to them. What is more important is on the last date on hearing both the sides we had directed the respondent's advocate to keep ready minutes of the DPC proceedings and Confidential Reports for the perusal of the Tribunal. The respondents have shown us both those records. We have gone through them carefully.

5. We may point out that the DPC which held its meeting on 17.5.1988 had considered the cases of six persons, namely, the applicant, respondent No.4 Shri A .K. Banerjee, respondent No.5 Shri M.T. Bhaskaran and three others. The applicant was graded as "Good" while all others were graded as "Very Good". Hence the DPC recommended that respondents Nos. 4 and 5 be promoted to the grade of Assistant Armament Supply Officer. We do not sit in appeal against the recommendation of the DPC. Moreover, we do not find anything wrong in the DPC. Proceedings. We, therefore, held

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that the application is devoid of any merit and is liable to be rejected summarily. We accordingly reject the application summarily under Section 19(3) of the Administrative Tribunals Act, 1985, with no orders as to costs.


(M.Y. Priolkar)
Member(A)


(M.B. Mujumdar)
Member(J)