

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT SITTINGS AT NAGPUR.

Original Application No.828/88

Shri Akhilendranath Bhaumik,
Quality Assurance Establishment
(Armaments),
PO: Chandrapur Ordnance Factory,
(Maharashtra)442 501.

.. Applicant

v/s.

1. Union of India
through Secretary
Ministry of Defence,
Dept., of Defense Production,
New Delhi.

2. Director General of
Quality Assurance,
Ministry of Defence,
Department of Defence
Production, DGQA Adm-6, DHQ,
New Delhi-110 001.

.. Respondents.

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

ORAL JUDGMENT:-

Dated: 14.3.1989

(Per: Shri M.B.Mujumdar, Member(J))

The applicant Shri Akhilendranath Bhaumik was recruited directly as Senior Scientific Officer Grade-II in May, 1985. In April, 1987 he was promoted as Senior Scientific Officer Grade-I. In the panel dated 9.4.1987 for promotion to the Grade of Senior Scientific Grade-I in Explosives Discipline was as follows:-

- 1) Shri N.K.Biswas
- 2) Shri Dr. S.Chattopadhyay
- 3) Shri Sanjeev Kapur
- 4) Shri A. Bhaumik
- 5) Shri Dr. C.Nesamani
- 6) Shri P.Thangaraj

In the seniority list of Senior Scientific Officers Grade-II, Shri N.K.Biswas was above the applicant but

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Dr. S. Chattpadhyaya and Sanjeev Kapur were below him. According to the applicant he should have been placed above Dr. Chattpadhyaya and Sanjeev Kapur in the panel by maintaining the seniority as per the seniority list of Senior Scientific Officers Grade-II. Hence he made first representation on 6.4.1987. But it was rejected on 29.7.1987. He again made another representation dated 30.10.87 seeking clarification but that was also turned down by the reply dated 17.3.1988. There-after he has filed the present application under Section 19 of the Administrative Tribunals Act, 1985 praying that his seniority in the panel for promotion to Senior Scientific Officer Grade-I should be revised and the same may be shown as per his seniority given in the seniority list of Senior Scientific Officers Grade-II.

2. By our order dated 17.1.1989, we had issued notices to the respondents regarding admission. They were also directed to bring the relevant records of the Departmental Promotion Committee (DPC) on the basis of whose recommendations the panel dated 9.4.1987 was prepared.

3. We have just now heard the applicant in person and Mr. S. V. Natu, learned advocate for the respondents.

4. Respondents have also filed the brief reply opposing admission. Respondents ~~have~~ also showed us the Minutes of the meeting of the Departmental Promotion Committee held on 5.3.1987 in the office of Union Public Service Commission at New Delhi. The

Member of the Union Public Service Commission was the Chairman of that Committee and Joint Secretary, Department of Defence Production and Director General of Inspection, Ministry of Defence were Member of that committee. That committee had categorised Shri N.K.Biswas, Dr.S.Chattopadhyay and Shri Sanjeev Kapur as "Very Good", while the applicant Shri A.Bhaumik, Dr.C.Nesamani and Shri P.Thangaraj were categorised as "Good". Obviously those ^{who} were categorised as "Very Good" were placed above those ^{who} were categorised as "Good" in the panel which was prepared on the recommendation of the committee. May it be noted that while preparing the panel inter-se seniority ~~between~~ persons ^{who} were categorised as "Good" was maintaining and as the applicant was above Dr.C.Nesamani and Shri P.Thangaraj he was placed at serial No.4 in the panel. All the three persons above him, namely, Shri N.K.Biswas (incidentally who was already senior to the applicant) as Senior Scientific Officer Grade-II) Dr.Chattopadhyay and Shri Sanjeev Kapur were graded as "Very Good" by the committee.

5. This Tribunal does not sit in the appeal against the recommendation of the DPC. Hence we find no merit in this application and hence we reject the same summarily with no order as to costs.


(M.Y.Priolkar)
Member(A)


(M.B.Mujumdar)
Member(J)