

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.NO. 721/88

Shri P.K.Narayanan,
C/o, S.R.Atre,
Block No. 18, 1st Floor,
Pehalajrai Bldg. Lohar Lane,
Chendani, Thane- 400 601.

.. Applicant

V/S.

Union of India
through
The Chief of Naval Staff,
Naval Head Quarters,
New Delhi.

AND FIVE OTHERS.

.. Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances:

Shri S.R.Atre
Advocate
for the Applicant

Shri P.M.Pradhan
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 7.2.1989

(PER: M.B.Mujumdar, Member (J))

Heard Mr. S.R.Atre, learned advocate for the applicant
and Mr.P.M.Pradhan, learned advocate for the respondents.

2. The applicant has challenged three select lists dated 30.9.1987, 25.1.1988 and 31.8.1988 for promotion to the post of Senior Foreman of Stores in Naval Store Organisation. The lists were prepared on the recommendations of the Departmental Promotion Committees (DPC) held on 11.9.1987, 31.12.1987 and 25.8.1988, respectively. On last date and today also we have seen the proceedings of the meetings of the DPC held on these dates. We find that all these DPC have categorised the applicant as "Good" while those who were included in the lists were categorised as "Very Good". Hence, we do not find anything wrong or illegal in these lists.

.. 2/-

3. However, some adverse remarks for 1986 were communicated to the applicant by letter dated 1.1.1987. On representation made by the applicant, ~~against~~ these adverse remarks were expunged. The applicant was communicated about that decision by letter dated 19.2.1987. On last date, we had some apprehension as to whether the adverse remarks for 1986 were considered by any of the DPCs mentioned above. As the respondents had not brought the record on the basis of which the DPC had made its recommendations on last date, we were required to adjourn the case ^{to} today.

4. We find from the record shown to us today that after the adverse remarks for 1986 were expunged, a new report for 1986 was written on 18.2.1987 and reviewed on 19.2.1987. All the DPC meetings mentioned above were held after 19.2.1987. Hence, it is clear that the DPC had no occasion to see the adverse remarks for 1986 as a new report was written on 19.2.1987.


5. In the application, the applicant has challenged the panels dated 30.9.1987, 25.1.1988 and 31.8.1988. As already pointed out we find nothing illegal in these panels. We do not sit in appeal against the decision of the DPC.

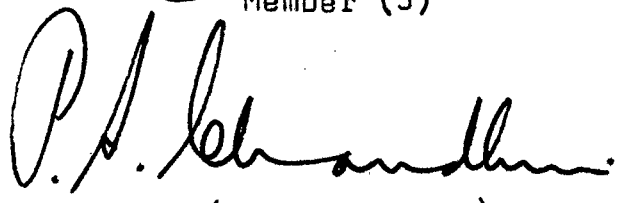
6. By an amendment application which is numbered as M.P.No. 86/89 the applicant has requested for adding one more prayer clause, namely, 9 (aa). That prayer is for directing the respondents to accord the applicant's correct seniority position above one Shri D.K.Joshi, Respondent No. D (3). In the same clause he has also challenged the select

Panel dated 22.8.1986. The applicant has also requested for directing the respondents to consider his ^{case for} ~~prayer to~~ the promotion of Senior Foreman of Stores.

7. But in the present application as it is, the applicant has challenged all the subsequent panels dated 30.9.1987, 25.1.1988 and 31.8.1988. He has not challenged any earlier panel. We do not think that the applicant can challenge an earlier panel by way of ^{an} amendment. Moreover challenge to panel dated 22.8.1986 is barred by limitation. We, therefore, reject the amendment application.

8. In result, we find that the application is devoid of merit and hence reject the same summarily, with no orders as to costs.


(M.B. Mujumdar)
Member (J)


(P.S. Chaudhuri)
Member (A)