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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

XXXXXXXXXXXX

NEW DELHI

O.A. No. 490 of 1988

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DATE OF DECISION 9.8.1988

Shri S.B.Verma Petitioner

Shri A.G.Phating Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

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

CORAM :

The Hon'ble Mr. L.H.A. Rego, Member(A)

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

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,
CIRCUIT SITTINGS AT NAGPUR.

Original Application No.490/88

Shri S.B.Verma,
U.D.C.
Office of the
Geological Survey of India,
Central Region,
Nagpur.

.. Applicant.

V/s.

1. Union of India,
Ministry of Steel & Mines,
Department of Mines,
New Delhi.
2. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta-16.
3. The Sr.Dy.Director General,
Geological Survey of India,
Central Region,
Nagpur.
4. The Director,(Drilling),
Geological Survey of India,
Central Region,
Nagpur.

.. Respondents.

Coram: Hon'ble Member(A), Shri L.H.A.Rego
Hon'ble Member(J), Shri M.B.Mujumdar

Appearance:

1. Shri A.G.Phating,
Advocate for the
applicant
2. Shri S.V.Natu,
Advocate
for the respondents.

ORAL JUDGMENT:-

Dated: 9.8.1988

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

Heard Shri A.G.Phating, learned advocate for
the applicant and Shri S.V.Natu, learned advocate for
the respondents.

2. The applicant is working as Upper Division Clerk

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in the Department of Geological Survey of India for the last nearly 17 years. The Departmental Promotion Committee (D.P.C.) at its meeting held on 22.9.1987 did not however recommend his name for promotion to the next post of Assistant but instead recommended two of his juniors, namely, Shri M.J.Kastey and Shri P.B.Joshi, aggrieved and he has filed this application challenging his non-promotion.

3. A notice before admission was issued to the respondents. The respondents showed us the Annual Confidential Reports of the applicant as well as the proceedings of the meeting of the D.P.C. held on 22.9.1987. The respondents have also filed ~~the~~ affidavit of Shri K.D.Ramnani, Regional Administrative Officer, working under respondent No.3.


4. The proceedings of the D.P.C. show that the case of the applicant was considered by it but he was not recommended for promotion as Assistant. The post of promotion is a non-selection one. It is the case of the applicant that in the seniority list, he stands at serial No.21 while Shri Kastey and Shri Joshi are at serial Nos. 24 and 25 respectively. Shri Ramnani states in his affidavit that the penalty of withholding of his increment due to the applicant on 1.1.1982 for one year with cumulative effect was awarded by Order dated 28.2.1981 as he was found guilty of misutilising the house building advance of Rs. 4,800/- paid to him. It is further stated that the applicant was censured

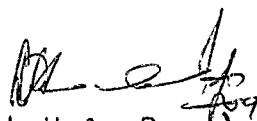
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by Order dated 16.7.1984 in respect of as many as five instances of misconduct mentioned in the affidavit, One of which relates to moral turpitude of consorting with a woman in Govt. premises and the other to imbibing liquor in these premises. After going through the Annual Confidential Reports of the applicant for the five consecutive years prior to the above meeting of the D.P.C. we do not find that the D.P.C. has committed any error in not recommending promotion of the applicant. Moreover, we are not sitting in appeal on the recommendation of the D.P.C.

5. After considering all the relevant records and the arguments advanced before us, we feel that this application does not deserve to be admitted. Hence we reject the same summarily under Section 19(3) of the Administrative Tribunal's Act, 1985 at the admission stage, with no order as to costs. Consequently, we reject the Misc.Petition No.N-16/88 too filed for the amendment of the application.


(M.B. Mujumdar)
Member(J)


(L.H.A. Rego)
Member(A)