

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

Original Application No.497 of 1986

Shri Vijaykumar D. Deshpande,  
Supervisor 'A'(NT),  
Stock Verification Section,  
Ordnance Factory,  
Bhandara.

.. Applicant

V/s.

General Manager,  
Ordnance Factory,  
Bhandara.

.. Respondent

Coram: Hon'ble Member(A), Shri P.Srinivasan

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

Appearance:-

1. Applicant in person
2. Shri J.D.Desai (for Mr.M.I.  
Sethna) Advocate  
for respondent.

ORAL JUDGMENT:-

Dated: 28.3.1988

¶PER: Shri M.B.Mujumdar, Member(J)¶

In this application filed under Section 19 of the Administrative Tribunals' Act, 1985, the applicant has challenged the order dated 10.11.1984 passed by the respondents, namely, General Manager, Ordnance Factory, Bhandara. By that order two persons namely Shri Balram Singh and Shri Buta Singh who were officiating as Supervisor 'A' (Non-technical/Stores) were promoted as officiating Chargeman Grade-II(Non-technical/Stores) against existing vacancies. They are promoted on probation for two years on recommendation of the Departmental Promotion Committee(DPC). The applicant has

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challenged that order because both these persons are junior to him and they were earlier involved in theft and criminal cases.

2. The respondents have resisted the application by filing the affidavit of Dilip Kumar Chatterji, Assistant Works Manager of the Ordnance Factory, Bhandara.

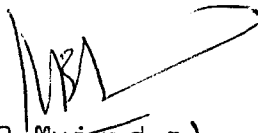
3. The respondents have produced proceedings of the DPC held on 27.7.1984. That DPC had considered the record of the applicant as well as those of Shri Balram Singh and Shri Buta Singh for the years 1981, 1982 and 1983. During all these years the applicant's performance was found 'good' but the DPC found him to be unsuitable for promotion. However, as regards Balram Singh and Buta Singh they were found to be 'very good' in all these years <sup>and</sup> hence the DPC found them suitable for promotion. The respondents have quoted the adverse remarks regarding the applicant for the years 1980-81, 1981-82, 1982-83 and 1983-84 in the affidavit of Dilip Kumar Chatterji. These remarks were communicated to the applicant. In view of these remarks it is difficult to find fault with the recommendations of the DPC.


4. Then the applicant has stated that Shri Balram Singh and Shri Buta Singh were involved in theft and criminal cases and hence they should not have been promoted. But Dilip Kumar Chatterji has pointed out in paragraph 16 of his affidavit that Shri Buta Singh who was placed under suspension with effect from 18.7.1970 in connection

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with a criminal case was reinstated in service with effect from 20.6.1972 as he was acquitted by the Criminal Court. As regards Shri Balram Singh, Shri Dilip Kumar Chatterji has pointed in paragraph 17 of his affidavit that he was under suspension with effect from 27.1.1977 for the offence of attempted theft of Government property. Pending departmental proceedings he was reinstated with effect from 14.12.1978. The penalty of reduction by three stages was imposed upon him but that penalty was over on 7.2.1980. Hence we do not think that the DPC was wrong in promoting both of them in preference to the applicant.

5. In result we find that the application is devoid of any merit. We, therefore, dismiss it with no orders as to costs.

  
(M.B. Mujumdar)  
Member(J)

  
(P. Srinivasan)  
Member(A)

*Shri Dilip Kumar Chatterji*  
(JD KULKARNI) 29/3/88  
CH II / AE Sec.  
O.F. Ba.  
for Respondents w/1  
G.M O.F. Ba)