

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No. 196/86

Shri T.V. Jayaram
4, Moti Apartments,
Indira Park,
Nagar Road, Yerwada,
PUNE - 411 006.

.. Applicant
(Original Plaintiff)

V/s

1. The Union of India through
The Secretary to the Govt. of India,
Ministry of Defence,
New Delhi - 110 011
 2. Shri J.S. Goindi,
Asstt. Director
Directorate of Works
R & D Organisation,
Ministry of Defence,
'B' Wing Sena Bhavan,
NEW DELHI-110 011
 3. Shri K.S. Satyanarayana,
Occupation Service,
Sr. Stores Officer, G.T.R.E.
BANGALORE (Karnataka State)
 4. Shri K.L. Chopra,
Occupation Service,
Sr. Stores Officer, L.R.D.E.
BANGALORE (Karnataka State)
 5. Shri M. Damodharan,
Occupation Service,
Sr. Stores Officer, C.V.R.D.E.
AVADI, MADRAS-600 054.
- .. Respondents
(Original Defendants)

Coram: Hon'ble Vice-chairman B.C. Gadgil

Hon'ble Member J.G. Rajadhyaksha

Appearances

- 1) Applicant in person
- 2) Shri Subodh Joshi, Advocate
for the Respondents

Judgement (Per Vice-chairman Shri B.C. Gadgil) 25.11.86

Originally, this was a Regular Civil Suit
No. 527 of 1982 on the file of Civil Judge, Senior
Division, Ahmednagar and it was transferred to this

Tribunal after this Tribunal was established.

The applicant joined service in 1969 as Stores Officer in the Ministry of Defence. There are two promotional avenues from the post of Stores Officer viz. (1) Senior Administrative Officer, Grade II and (2) Senior Stores Officer, Grade II. In the suit, the applicant made a grievance that his name was not included in the panel prepared on 13.1.1981 for promotion to the posts of Senior Administrative Officer, Grade II. However, that aspect is not relevant as at the time ~~of~~ when this matter was argued, the applicant specifically stated before us that he does not want to agitate it. The only grievance of the applicant is that when the panel was prepared on 13.4.82 for the post of Senior Stores Officer Gr.II, his name was not included therein. According to him, some juniors have superseded him.

It is not in dispute that the Departmental Promotion Committee had scrutinised the cases of eligible persons while preparing the panel on 13.4.1982. At that time, the applicant's case was also considered. In the plaint, the applicant has made a number of grievances as to why non-inclusion of his name in the panel is bad. However, it is not necessary to state all these grounds alleged in the plaint. This is so because the only contention that has been raised before us is that the applicant's Annual Confidential Report for the year 1979 had not been properly and validly prepared and written. Though this question has not been specifically pleaded in the plaint, we allowed the applicant to argue that point and we have heard the applicant as well as Shri

Subyodh Joshi for the Respondents.

The grievance of the applicant is that old form was used while writing his Annual Confidential Records though at that time new form was prescribed and introduced. He told us that in the old form, the performance of the Govt. Servant was required to be mentioned by stating whether the employee is 'outstanding' or 'above average' or 'average' or 'below average' while in the new form, the assessment was to be made by utilising the words - 'outstanding' or 'very good' or 'good' or 'poor'. It was contended that the use of old form has vitiated the proceedings of the Departmental Promotion Committee. Of course, the applicant admits that even in 1979, the self-assessment was to be made by the concerned employee and thereafter the Confidential Records are to be written. The applicant frankly told us that for 1979 he had used the old form and made self-assessment. The main question would be as to whether the proceedings of Departmental Promotion Committee were vitiated simply because old forms continued to be used. There is no dispute that old form has been used not only while writing C.R. of the applicant but also of other eligible persons who were considered for the post of Senior Stores Officer, Gr.II. Thus, the data that was considered by the Departmental Promotion Committee is prepared on similar basis with respect to eligible candidates and on the basis of such data, the D.P.C. found that the applicant did not deserve promotion. In our opinion, though the form has been changed, the basic principles for assessing the merits of the employees has not been changed. Only different words were to be used for assessing the

qualities of the employees. Under these circumstances, we do not find any substance in the contention of the applicant that the proceedings of the D.P.C. were vitiated simply because old form has been used while writing the Confidential Records of all persons who were eligible for the post. It is not the applicant's case that old form was used only while writing the report of the applicant and that new forms were ^{used for} other eligible candidates.

When this matter was argued before us, we were told by the applicant that in 1983 the applicant was promoted. However, he did not accept promotion as he did not want to go to Dehradun on promotion. It was only in 1986 ^{that} he accepted promotion. The applicant contends that the said promotion in 1986 should be made retrospective from 13.4.82 i.e. the date on which the applicant was superseded by his juniors. We have already found that the panel dt. 13.4.82 has been properly prepared on the basis of the proceedings of the D.P.C. The applicant was not found fit for promotion in that year. Consequently, it will not be possible for the applicant to claim promotion from 13.4.82. The result is that the application fails and is dismissed. However, there will be no orders as to cost.


(B.C. GADGIL)
Vice-chairman


(J.G. RAJADHYAKSHA)
Member