

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.45/86

Shri Thomas Joseph,
MS/RBI/253/28, Railway Quarters,
Parel, Bombay-400 012

.. Applicant

Vs

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| 1) Senior Inspector of Naval
Armament, Cochin - 682004. | } | .. Respondents. |
| 2) Chief Inspector of Naval
Armament, Bombay - 400 023. | | |
| 3) Chief of Naval Staff,
Naval Head Quarters,
New Delhi - 110 066 | | |

Coram: Hon'ble Member (A) J.G.Rajadhyaksha

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

Appearances

1. Applicant in person.
2. Mr.M.I.Sethna, Advocate
for the Respondents.

ORAL JUDGEMENT (Per M.B.Mujumdar) Dated: 13.2.1987.

The applicant Shri Thomas Joseph is working as Senior Chargeman (Mech) with Naval Armament Inspectorate, Bombay. He has challenged his non-promotion to the post of Foreman (Mech).

On the last date i.e. on 4.12.86, the applicant made a grievance before us that he was not considered by the DPC held in March, 1984. Hence, we directed the respondents to produce minutes of proceedings of the DPC held in March, '84. The Respondents have to-day produced the minutes of proceedings of DPC meeting not only held in March, 84 but also the minutes of DPC proceedings held in March, 1983 and in March, 1985. We find from the minutes of the DPC proceedings held in these years that

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the applicant was considered by the DPC but he was not empanelled for promotion.

Today, during the course of arguments, the applicant restricted his objection to the proceedings of DPC held in March 1984 only. His objections were three fold. His first objection was that the authorities have violated the instructions given in some circulars. To be more specific, he submitted that vacancies which were available in 1983 and which were not filled up in that year should ^{not} have been carried over to 1984 and filled up in that year. In other words, the DPC should have again been held for filling up the posts which were available in 1983 and should have filled up these posts by considering the circumstances in 1983 itself. While elaborating this submission, the applicant pointed out that two persons viz. Sri Dola Appa Rao and Sri J.K.Goswamy who were Scheduled Caste candidates had not passed the necessary examination in 1983, but both were considered by the DPC held in March 84. But, there is nothing to show that the vacancies available in 1983 were in fact carried over for consideration in 1984. The DPC was held in 1984 March and admittedly both these persons had passed the necessary examination before that. Hence, we find no substance in the first objection of the applicant.

The second grievance of the applicant was that the principle of equality embodied in the Art.14 of the Constitution of India is violated. Though we have heard the applicant at length, we are not able to understand how the DPC had contravened Art.14 by not empanelling

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for promotion. The DPC did consider him him/and found him not suitable for promotion. Hence, we find no force in this grievance of the applicant also.

The third attack of the applicant was that the DPC had not considered the marks which the candidates had obtained at the qualifying examination. But the applicant was not able to show any rule or provision which makes it necessary to take into account the mark obtained by a person in the qualifying examination. We are also not aware of any such rule.

After hearing the applicant at length, we are not able to find any flaw in the procedure followed by the DPC in preparing the panel for promotion.

The applicant pointed out that by an order dated 16.5.83, the penalty of with-holding one increment was imposed upon him. Subsequently, by an order dated 21.7.84, that penalty was reduced to "censure". The minutes of the proceedings of DPC held in March 84 do not show that the penalty of with-holding one increment was considered by the DPC. The DPC proceedings held in March 85 do show that the penalty of censure was imposed upon the applicant but it is further mentioned that it was not a bar to promotion.

We therefore find no substance in any of the grievances put forward by the applicant. We, therefore, dismiss the application with no orders as to costs.

(J.G. RAJADHYAKSHA)
Member (A)

(M.B. MUJUMDAR)
Member (J)