

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No. 139/86.

Shri Raghavan Nadarajan,
G/19, Naval Civilians
Housing Colony, Powai,
Bhandup, Bombay - 400 078

.. Applicant

Vs

1. Captain BGM (Admin),
Naval Dockyard,
Bombay.
2. Admiral Superintendent,
Naval Dockyard,
Bombay.
3. G.G.Karlekar,
Dept.of Depy.General Manager,
Weapons,
Naval Dockyard, Bombay.
4. J.P.Raut,
Dept.of Depy.General Manager,
Weapons,
Naval Dockyard,
Bombay.
5. V.G.Shate,
Dept.of Depy.General Manager,
Weapons,
Naval Dockyard,
Bombay.
6. R.M.Singh
Dept.of Depy.General Manager,
Weapons,
Naval Dockyard, Bombay.
7. Union of India. .. Respondents.

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

Appearances:

1. Miss.Maya Parwani with
Mr.Sudhir Shah
Advocate for the
Applicant.
2. Mr.J.D.Desai
for Mr.M.I.Sethna
Advocate for the
Respondents.

ORAL JUDGMENT
(Per M.B.Mujumdar, Member (J)

Date: 3-2-1988

Writ Petition No. 1860/81 filed by the applicant

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in the High Court of Judicature at Bombay on 15-12-1981 is transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

2. The essential facts for the purpose of this judgment are these: In 1965 the applicant joined as Electric Fitter Gr.II in the Naval Dockyard at Bombay. He was promoted as Instrument Mechanic in 1971. The next stage of promotion open to him was Sr.Chargeman (Instrument). It was a selection post. For being eligible to be promoted to that post it was necessary for him to pass in the departmental qualifying examination. Such an examination was held on 20-12-1977 and he passed in that examination along with four others as shown in Ex.'B'. But according to rules, passing in that examination was not enough for being promoted. Selection by Departmental Promotion Committee (DPC) was essential. DPC's meeting was held for that purpose on 4/7th December, 1981. After considering the record of 14 employees who were within the zone of consideration the DPC prepared a panel of four persons who were found fit to be promoted as Sr.Chargeman (Instrument). They were G.G.Karlekar, J.P.Raut, V.G.Shate and R.M.Singh, [^] Respondents Nos 3 to 6 respectively. Admittedly all of them were junior to the applicant. Hence on 15-12-1981 he filed a writ petition in the High Court challenging their promotion and his own non-promotion.

3. By an order dtd. 24-12-1981 the High Court had directed that if any promotions were granted to Respondents Nos 3 to 6, then these promotions would be subject to the result of the petition.

4. The respondents have resisted the petition by filing the affidavit of Shri C.A.Narayanan, Personnel Manager of the Naval Dockyard at Bombay. In para 3 of the

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written statement he has reproduced the procedure which is to be followed by the DPC for selecting candidates for the promotional posts. He has pointed out that the officers in the field of selection should be classified by the DPC as "Outstanding", "Very Good", "Good" etc., on the basis of their merit after examining their respective records of service. However, in para 6 he has stated that the authorities furnished a list of 14 eligible Tradesmen in Instrument Mechanic trade, who were found eligible for final selection by the DPC at its meeting held on 4/7th of December, 1981. The DPC had before it the Confidential Reports/Assessment Cards reflecting the assessment of each of these candidates in previous years. On the basis of that record the DPC prepared a panel of four persons, i.e. of Respondents Nos ^{out} 3 to 6. It is pointed that the DPC found these respondents suitable for promotion but did not select the applicant.

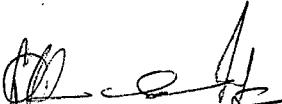
5. We have also seen the relevant record including Assessment Cards and DPC proceedings for the period from 1980 to 1984. The Assessment Cards show that Respondent Nos 3 to 6 were given more marks than the applicant but the Cards reveal that these marks were given only by one of the departmental officials. Besides, the DPC for the year 1981 had not classified the candidates as "Outstanding" "Very Good" and "Good", as required by the rules. We may point out that such classification was done for 1980, 1982, 1983 and 1984. We do not know why this was not done for the year 1981 which is the only year relevant in this case. Shri Desai, the learned advocate for the respondents at the fag end of the arguments requested for some time to search for the relevant record, but after examining the record before us we are of the view that the prescribed procedure was not followed for the year 1981. Moreover, if the proper procedure would have been followed that would have been

mentioned in the written statement filed by Respondents Nos. 1 and 2.

are
6. We therefore, required to quash the proceedings of the DPC relating to its meeting held on 4/7th December, 1981 and the panel drawn on 9-12-1981 in so far as they relate to the post of Sr.Chargeman (Instrument) only.

7. In the result we direct that a special Review DPC should be constituted for considering the relevant record of the 14 candidates (whose names were submitted to the DPC at its meeting held on 4/7th December, 1981) for the post of Sr.Chargeman (Instrument). This special Review DPC shall prepare a fresh panel after following the procedure laid down in the rules. Respondent Nos.3 to 6 shall not be reverted till a fresh panel is prepared by the Special Review DPC. Their continuance further shall depend on their selection or otherwise by the aforesaid Special Review DPC. Respondent Nos 1 and 2 shall complete the above process within three months from the date of receipt of a copy of this order.

8. With these directions the application is disposed of, with no orders as to costs.


(L.H.A. REGO)

3-2-1988

Member (A)


(M.B. MUJUMDAR)

Member (J)