

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA

OA 466 of 05

C O R A M

Hon'ble Shri Shankar Prasad, Member [ A ]  
Hon'ble Ms. Sadhna Srivastava, Member [ J ]

Jagdish Chandra Roy, S/o Shri Baleshwar Roy.  
Vs.  
Union of India & Others

Counsel for the applicant : Shri J.K. Karn  
Counsel for the respondents : Shri S.C. Jha

O R D E R [ Oral ]

19.05.2008

Shankar Prasad, M [ A ] : - Heard both sides.

2. Learned counsel for the respondents, Shri S.C. Jha makes available copy of the minutes of the meeting of Departmental Promotion Committee [ DPC in short] held on 18.5.05. It is stated in para 4 of the Minutes that the following procedures have been followed for assessing the suitability of the officers.

3. We have along with minutes of DPC two other Annexure. Annexure -1 contains the list of officers already holding the independent charge as CEC. Annexure -2 is the list of officers being found fit or unfit. We find that this <sup>Annexure -2</sup> contains the list of 31 persons. One H.K.Bansal has not been assessed due to non-availability of ACR, and the applicant has been found unfit. Remain 29 officers have been found to be fit.

4. Shri S.C. Jha, learned counsel also makes available copy of the letter dated 6.2.08 enclosing OM dated 7.1.08. By this OM, all the adverse entries in the ACRs for the year 2003 – 04 have been expunged. <sup>Annexure -2</sup>

5. Shri J.K. Karn, learned counsel for the respondents submits that the respondents may be directed to convene a review DPC in the light of the letter dated 6.2.08. In any case the respondents have erred in relying on the adverse entries in the ACRs against which representations are pending for denying promotion. He further states that his client will be satisfied if a direction is issued to the respondents to hold a meeting of review DPC, subsequent to expungement of adverse entries.

6. In view of the above submission, the OA is disposed of with direction to the respondents to convene the meeting of review DPC, if not already held, for the years for which the applicant is eligible, within one month of receipt of copy of this order. *No costs.*



[ S. Srivastava ] M [ J ]



[ S. Prasad ] M [ A ]

/cbs/