

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. O.A.963/1996.

Transfer Application No.

Date of Decision 26th.9.2001.

Mansingh Goba Patil

Petitioner/s

Shri P.A.Prabhakaran

Advocate for
the Petitioners

Versus

U O I & Ors.

Respondent/s

Shri M.I. Sethna

Advocate for
the Respondents

CORAM :

Hon'ble Shri. S.L.Jain, Member (J).

Hon'ble Shri. S.K.Agrawal, Member (A).

- (1) To be referred to the Reporter or not ? Yes
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? No



CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

No. O.A. 963/1996

Dated the 26th Day of September, 2001.

- C O R A M : 1. Hon'ble Mr. S. L. Jain, Member (J).
2. Hon'ble Mr. S. K. Agrawal, Member (A).

Shri Mansingh Goba Patil,
R/o Building No. 9,
Room No. 375, Mint Colony,
Saibaba Marg,
Parel, Mumbai - 400 012.

(By Shri P. A. Prabhakaran, Advocate).

... Applicant

A N D

1. Union of India through
Secretary, Ministry of Finance,
North Block, New Delhi-110 001.
2. The General Manager,
India Government Mint,
Mint Road, Mumbai-400 023.
3. Shri Baburao Naikodi,
Sorter Grade-I,
Annealing (General) Department,
India Govt. Mint,
Mint Road, Mumbai - 400 023.

(By Shri M. I. Sethna, Advocate)

... Respondents

O R D E R

(Per Hon'ble Mr. S. K. Agrawal, Member (A))

This application has been made by the applicant against the refusal of the respondents to promote him from Grade-II to Grade-I in the cadre of Sorter, even though he has been certified 'fit' before the DFC and granting such promotion to

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respondent no.3, namely, Shri Baburao Naikodi, who had not been certified 'fit.'

2. The applicant entered the service of the respondents in the year 1971 as a Labourer. In 1976 he was promoted as a Sorter, Grade-III, which is a Group-C post. In 1980, he was promoted as Sorter, Grade-II. Since then he has been working in that grade carrying a pay scale of Rs.950-1500/-.

3. In May, 1996, when the DPC had taken place for promotion, the applicant was second in seniority of Sorter, Grade-II, with only one person, Shri Baburao Naikodi, senior to him. According to the applicant, Shri Baburao Naikodi had been absent for four years due to mental illness though he had been working as a Labourer prior to his prolonged absence on sick leave. It has, therefore, been stated by the applicant in the O.A. that Shri Naikodi, though senior to the applicant, could not be said to be 'fit' for promotion from Grade-II to Grade-I in the cadre of Sorter. Since the applicant was denied the promotion and, therefore, Shri Baburao Naikodi was granted promotion to Grade-I, hence this O.A.

4. The ld.counsel for the applicant has also referred to a letter dated 2.8.1996, written by Shri B.N.Fansare, a Member of the DPC to the Financial Advisor & Chief Accounts Officer, I.G. Mint, Mumbai, the contents of which are reproduced as under :

"After receiving so many complaints regarding fit/unfit reports of Shri B.Naikodi, Ann.Sorting, I personally met departmental Superintendent for inquiry and in the personal visit, Mr. Bhagare, one Shift-in-Charge in the last week told that he did not submit any fit/unfit report and another Shift Superintendent, Mr. Nikhade, yesterday told me that the person Shri Naikodi was declared unfit as he was not the work of higher grade and the said report was submitted to office."



5. The ld.counsel for the respondents produced the office records and the DPC minutes in respect of the DPC held on 25.5.1996. The respondents' counsel has argued that there is no basis for the letter written by Shri B.N.Pansare, the contents of which are beyond verification since he had also signed the minutes of the DPC which promoted Shri Baburao Naikodi from Grade-II to Grade-I. Shri Naikodi was also senior to the applicant in the zone of consideration of 5 persons who were considered for promotion. The respondents' counsel has, therefore, submitted that the action of the DPC in promoting Shri Baburao Naikodi was fully in order. It has also been stated by the respondents counsel that as per India Govt. Mint (Industrial Workers) Promotion Rules, 1965, which have come into force from 1.11.1965, attendance/performance of 12 months alone preceding the DPC meeting is taken into account for consideration for promotion. As such, absenteeism for 4 years of respondent no.3 is a fact which is not relevant to promotion under challenge.

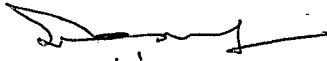
6. Heard the ld.counsel for the applicant as well as the respondents.

7. We have also perused the records and the DPC minutes held on 25.5.1996. The complaint made by Shri B.N.Pansare, a Member of the DPC appears to be on the basis of such persons who have stated earlier otherwise. Shri B.N.Pansare has very well signed the minutes of the DPC which approved the promotion of Shri Baburao Naikodi who was very much in the zone of consideration of five people considered for promotion. In view of the fact that as per promotion rules, performance and attendance of candidates of 12 months only preceding the DPC meeting is taken into account for consideration for promotion, the

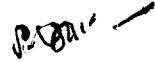


action of the respondents in promoting the senior-most person, Shri Baburao Naikodi from Grade-II to Grade-I appears to be fully in order and within rules.

8. We, therefore, do not find any merit in the said O.A. and the same is accordingly dismissed, with no order as to costs.



(S. K. Agrawal)
Member (A)



(S. L. Jain)
Member (J)

r. s.