

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.792/2001.

Wednesday, this the 12th day of June, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,  
Hon'ble Shri M.P.Singh, Member (A).

Bhikhubhai G.Parmar,  
Naroli,  
Via Silvassa - 396230.  
(By Advocate Shri S.P.Inamdar  
for Shri I.J.Naik)

...Applicant.

v.

1. Union of India, through  
The Secretary,  
Ministry of Home Affairs,  
Central Secretariat,  
North Block,  
New Delhi.
2. The Administrator,  
Union Territory of  
Dadra & Nagar Haveli,  
Silvassa - 396 230.
3. The Assistant Inspector General  
of Police,  
U.T. of Daman & Diu & Dadra  
and Nagar Haveli,  
Silvassa - 396 230.  
(By Advocate Shri V.S.Masurkar)

...Respondents.

: O R D E R (ORAL) :

M.P.Singh, Member (A).

By filing this OA, the applicant has sought for directions to quash and set aside the impugned order dt. 16.3.2001 promoting the Private Respondent No.4 to the post of Assistant Sub Inspector (for short, ASI). He has also sought for a direction to Respondents to hold a Review DPC to consider the applicant for the post of ASI and include his name as he has better record of service than the Private Respondent No.4.

2. The brief facts of the case are that the applicant was appointed as a Constable in Police on 1.4.1963. He was promoted

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as Head Constable on 1.4.1971. The Respondent No.4 was appointed to the post of Head Constable three years later and therefore much junior to him. According to the applicant, the record of service of Respondent No.4 is also much inferior. The Respondent No.4 has also been charge sheeted and has also been awarded punishment by the Respondents. Despite this, the Respondents have promoted Respondent No.4 ignoring the claim of the applicant who is senior to Respondent No.4.

3. Aggrieved by this, he has filed this O.A. claiming the aforesaid reliefs.

4. The Respondents in their reply have stated that the applicant, as well as, Respondent No.4 were considered for promotion to the post of ASI by a duly constituted DPC and the DPC considered the Confidential Reports for five years and after assessing the Confidential Reports, the DPC recommended the name of R-4 for promotion to the post of ASI. Accordingly, on the recommendation of the DPC, the Respondent No.4 was promoted to the said post of ASI.

5. Heard both the Learned Counsel for rival contestant parties and perused the records. On our instructions, Learned Counsel for the respondents has produced the record including the DPC proceedings held for promotion to the post of ASI. After perusing the DPC proceedings, we find that the applicant has been passed over by the DPC due to two consecutive entries in the ACRs marked as 'Unfit' for promotion at Column No.12. It is for this reason that the applicant has been ignored and the name of Respondent No.4 has been recommended by the DPC for

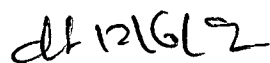
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promotion to the post of ASI for the year 2000. In view of this position, the O.A. is devoid of any merit and is liable to be dismissed. We do so accordingly. No orders as to costs.

  
(M.P. SINGH)  
MEMBER(A)

  
(BIRENDRA DIKSHIT)  
VICE-CHAIRMAN

B.

  
Original/Judgement checked  
to Applicant's content (s)  
on 25/6/02

