

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 13/8/87

APPLICATION NO 2044 /86(F)

W.D.XXXNO

Applicant

P.N.Kalibhat

Vs

Director General, D/o Posts, ND.

To

1. Shri P.N.Kalibhat,
C/o Sri M.Raghavendra Achar,
No.1074-1075,
Banashankari 1st Stage,
Bangalore.- 560 050
2. Director General
Department of posts,
New Delhi-1.
3. Shri M.S.Padmarajaiah,
Central Government Standing Counsel,
High Court Buildings, Bangalore-1

4. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 5.8.87.

Encl : as above

B. V. Venkatesh
DEPUTY REGISTRAR

~~SECTION OFFICER~~
(JUDICIAL)

RECEIVED 13/8/87

Encl
14/8/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5th DAY OF AUGUST, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-Chairman

Hon'ble Sri L.H.A.Rege Member (A)

Application No. 2044/86

P.N.Kalibhat,
C/o Sri M.Raghavendra Ashar,
No.1074 and 1075,
Banashankari 1st Stage,
Bangalore.

... Applicant

(Sri M.Raghavendra Ashar, ... Advocate)

Vs.

Director General,
Department of Posts,
New Delhi - 1.

... Respondent

(Sri M.S.Padmarajaiah ... Advocate)

This application has come up before the Tribunal today. Hon'ble Justice Sri K.S.Puttaswamy, Vice-Chairman made the following :

O R D E R

In this application made under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought for a direction to the respondents to promote him to the post of Postal Superintendent Service Group-B(Supt.) from the post of Assistant Superintendent of Post Offices(ASPO).

2. The applicant is working as an ASPO in Karnataka Circle. A Departmental Promotion Committee constituted for the purpose in its meeting held from 10.3.1986 to 22.8.1986 considered the cases of the applicant and all other eligible officers to 160 vacant posts of Superintendents then existing in the various circles and made its recommendations, which



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has been accepted and acted by the appointing authority. The applicant who was graded as 'good', was not promoted, and the others who were graded as 'outstanding' or 'very good', were promoted. Aggrieved by his non-selection, the applicant has approached this Tribunal for appropriate directions.

3. In justification of the supersession of the applicant, the respondents have filed their reply and have also produced the relevant DPC records.

4. Sri M.Raghavendracher, learned counsel for the applicant, contends that the grading of the applicant as 'good' was arbitrary and that on proper evaluation of his service record, he should have been graded as 'very good' and selected on such grading.

5. Sri M.S.Padmarajaiah learned, Senior Government Standing Counsel appearing for the respondent contends that the grading made on an objective evaluation of the service records, cannot be examined by this Tribunal as if it is a Court of Appeal, and a different conclusion reached.

6. We have carefully examined the proceedings of the DPC and all other relevant records. We find that the DPC had graded the applicant and others with due regard to their merit and service records. We do not find any arbitrariness in the grading of the applicant and others. If the grading of the applicant and others is upheld, then it necessarily follows from the same that the promotion of others who were graded either as 'outstanding' or 'very good' superseding the applicant, who was only graded as 'good', as ruled by the Supreme Court in **R.S.DASS v. UNION OF INDIA AND OTHERS (AIR 1987 SC 593)** is unexceptionable.



7. Sri Achar next contends that we should summon all the confidential reports and examine the evaluation made by the DPC.

8. We are of the view that the request made by Sri Achar is unjustified. We find no justification whatsoever to summon all the records examined and assessed by the DPC. If such a course is adopted, then we will be acceding to the request of Sri Achar to examine the proceedings, as if we are a court of appeal, which cannot be done.

9. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances, we direct the parties to bear their own costs.



Sd -

VICE-CHAIRMAN

5/6/87

- True copy -

Sd -

MEMBER(A) / S-8-87

B. V. Venkatesh Reddy
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
13/8