

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE 4TH NOVEMBER 1986.

PRESENT :

Hon'ble Mr. Justice K.S. Puttaswamy .. Vice Chairman
And
Hon'ble Mr. L.H.A. Rego .. Member (A)

APPLICATION NUMBER 715 OF 1986.

D. Paramasivam, aged about 44 years,
Scientist 'C', L.R.D.E., Bangalore.
(By Sri. S.G. Shat, Advocate) ... Applicant

v.

1. The Union of India represented by the Secretary to the Defence Ministry, Central Secretariat, New Delhi.
 2. The Scientific Advisor to the Minister of Defence and Director, Research & Development Organisation Govt. of India, DHQ.P.O. New Delhi.
 3. The Director, Electronics & Radar Development Establishment, Bangalore.
 4. M. Cleotus, Scientist-D, Electronics & Radar Devel, Establishment, Bangalore.
 5. S.S. Goel, Scientist-D, Electronics & Radar Development, Establishment, Bangalore.
 6. SVLN Shrama, Scientist-D, Electronics & Radar Deve. Estb., Bangalore.
 7. G.S. Krishnamurthy Rao, Scientist-D, Electronics & Radar Deve. Estb., Bangalore.
 8. S.P. Gupta, Scientist-D, Electronics & Radar Deve. Estb., Bangalore.
 9. K.U. Limaye, Scientist-D, Electronics & Radar Deve. Estb., Bangalore.
 10. R.L. Varma, Scientist-D, Electornics & Radar Deve. Estb., Bangalore.
- ... Respondents.

This application coming on for hearing this day, Vice Chairman made the following :

O R D E R

Case called on two occasions before pre-lunch session and again at 3-00 p.m. to-day. On all the occasions the applicant and his learned counsel are absent. We have perused the records and heard M.S.Padmarajaiah, learned Senior Standing Counsel for Central Government who appear for respondents 1 to 3 and Sri.B.A.Ramakrishna, learned counsel for respondent-6.

2. In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act of 1975 ('The Act') the applicant has sought afor a direction to respondents 1 to 3 to promote him to the post of Scientist-D from Scientist-C from the date his immediate juniors viz., respondents 4 to 10 were promoted w.e.f. 1-7-1980.

3. In their statement of objections filed before the High Court of Karnataka, respondents 1 to 3 have asserted that the case of the applicant who was eligible for promotion, was considered for promotion by the Assessment Board and he was found not suitable for promotion when his juniors were promoted.

...3....

4. We have also perused records of the Assessment Board produced by Sri.Padmarajaiah. We find that the case of the applicant was considered by the Board and he was passed over Board on relevant considerations and materials. We cannot examine the assessment made by the Board as if it is an appeal and come to a different conclusion. In this view this application is liable to be dismissed.

5. We are also informed that the applicant has been promoted as Scientist-D from 1-7-82. We are of the view that on this ground also, we should decline to interfere with the promotions of respondents 4 to 10 or the non-promotion of the applicant as on 1-7-1980.

6. On the foregoing discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

[Signature]
VICE CHAIRMAN

[Signature]
MEMBER (A)

np/kam.