

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE ELEVENTH DAY OF NOVEMBER 1986

Present : Hon'ble Justice Shri K.S.Puttaswamy ... Vice Chairman
Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO. 886/86

M. Jayaraj,
S/o Mosses,
Technical Supervisor Telephones,
Telephone Exchange, Mandya. ... Applicant

(Shri M.R.Shailendra . Advocate)

V.

The General Manager,
Telecommunications,
Karnataka Circle,
Gandhinagar, Maruti Complex,
Bangalore.

The Deputy General Manager,
Telecommunications,
Karnataka Circle,
Maruthi Complex,
Gandhinagar, Bangalore-9.

The Divisional Engineer,
Telegraph, Mysore.

The Sub-Divisional Officer,
(Telegraphs), Mandya. ... Respondents

(Shri N. Basavaraju . Advocate)

This application has come up for hearing before this
Tribunal, today, Hon'ble Member (A) made the following:

O R D E R

This application originated as a writ petition before the
High Court of Karnataka and was subsequently transferred to this
Tribunal for disposal. The applicant's grievance is that he has
not been selected for regular promotion to the post of Technical
Supervisor in a Departmental Promotion Committee (DPC) held on
16.12.1981 while his juniors have been promoted.

P. S. - 86

2. Shri M.R. Shailendra, learned counsel for the applicant, pointed out that though some adverse remarks had been made in the Confidential Report of the applicant for the period 1978-79 these had been subsequently expunged. However, he had received on 25.7.1980 communication of adverse remarks for the period 1979-80 and had made a representation against the said remarks by letter dated 28.6.1980. But this representation has not been disposed of so far. Shri Shailendra contended that it was not right on the part of the respondents to have passed over the applicant for promotion in the DPC held on 16.12.1981 without disposing of his representation against the adverse remarks in the Confidential Report for 1979-80.

3. Shri N. Basavaraju learned counsel for the respondents strongly repelled the argument of the learned counsel for the applicant.

4. We have considered the matter carefully. We agree with Shri Shailendra that the applicant's representation against the adverse remarks in his Confidential Report for 1979-80 should have been disposed of first and then only should his case for promotion have been considered. We, therefore, direct the respondents to dispose of the applicant's representation against the confidential remarks for the period 1979-80 and depending on the outcome thereof, take up the question of reconsidering the case of the applicant for promotion as on the date the DPC met i.e., on 16.12.1981.

5. The application is disposed of as indicated above. Parties will bear their own costs.

M. J. Devaraj P. S. Iyer
VICE CHAIRMAN *11/11/86* MEMBER (A)