

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex(BDA)

Indiranagar

Bangalore - 560 038

Dated : 13 APR 1988

APPLICATION NO

790

87(F)

W.P. NO.

Applicant

Shri Syed Habeeb

Respondent

v/s The Director, LRDE, Bangalore

To

1. Shri Syed Habeeb
Chargeman Grade II
Electronics & Radar Development Establishment(LRDE)
DRDO Complex
C.V. Raman Nagar
Bangalore - 560 093

2. Shri R.U. Goulay
Advocate
90/1, 2nd Block
Thyagarajanagar
Bangalore - 560 028

3. The Director
Electronics & Radar Development Establishment(LRDE)
DRDO Complex
C.V. Raman Nagar
Bangalore - 560 093

4. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~ORDER~~ passed by this Tribunal in the above said application on 5-4-88.

By [Signature]
DEPUTY REGISTRAR
(JUDICIAL)

Encl: As above

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 5TH DAY OF APRIL, 1988

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

APPLICATION NO. 790/1987

Shri Syed Habeeb,
S/o. Syed Abdul Khadhar,
aged 45 years,
Chargeman Grade II,
L.R.D.E. M/o. Defence,
Bangalore-93.

.... Applicant.

(Shri R.U. Goulay, Advocate)

v.

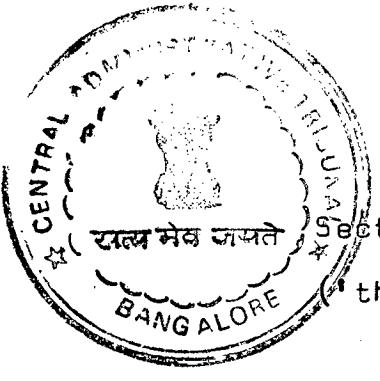
The Director of Electronic Radar
Development Establishment,
Ministry of Defence,
Bangalore-93.

.... Respondent.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER


This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').

2. Prior to March 1985, the applicant was working as Chargeman Grade II, in the office of the Electronic Radar Development Establishment ('LRDE'), Ministry of Defence, Bangalore. On 16th March, 1987, a Departmental Promotion Committee ('DPC') constituted for the purpose, considered the cases of the applicant and 49 others, and recommended from out of them 33 persons to the post of Chargeman Grade-I.

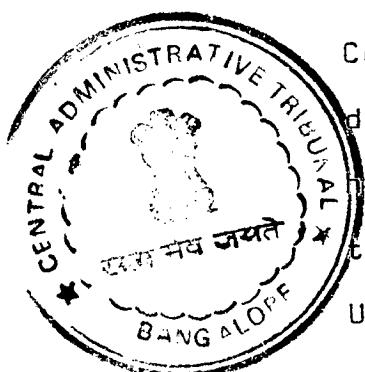
But the applicant who was graded as "good", was not recommended for promotion on that occasion. On 15th September 1987, the DPC again met and considered the cases of the applicant and 23 others and recommended the promotion of the applicant and 15 others to the post of Chargeeman Gr.I and in pursuance of the same the applicant has been promoted thereafter.

3. The applicant has challenged his supersession on 16th March 1987 on diverse grounds. In justification of the said supersession, the respondent has filed his reply and had produced records.

4. Shri R.U. Goulay, learned Counsel for the applicant, contends that the grading of the applicant as "good" and his supersession on 16th March 1987 by the DPC was unjustified and illegal.

5. Shri M.S. Padmarajaiah, learned Senior Standing Counsel for Central Government appearing for the respondent, contends that the grading of the applicant and his supersession were legal and was in conformity with the law declared by the Supreme Court in R.S. DASS vs. UNION OF INDIA AND OTHERS (AIR 1987 S.C. 593).

6. We have carefully examined the proceedings of the DPC held on 16th March 1987 and the relevant Annual Confidential Reports (ACRs) of the applicant and the others, who were recommended for promotion. We find that the gradings of the applicant and the others made by the DPC on 16th March 1987 was in conformity with



the ACRs of the officials for the relevant years. We find no arbitrariness in the grading of the applicant and others on 16th March 1987. As ruled by the Supreme Court in Dass's case, this Tribunal cannot examine the assessments made by the DPC as if it is a Court of appeal and come to a different conclusion. If that is so, then assessments and gradings made by the DPC must necessarily stand. We see no illegality or impropriety in the supersession of the applicant on 16th March 1987.

7. As all the contentions urged by the applicant fail, the 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.



Sd/-
VICE-CHAIRMAN
3/4/88

TRUE COPY

Sd/-
S/141
MEMBER (A)

By Venkateshwaran
DEPUTY REGISTRAR (JD)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
(13/4)