

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 798/91

~~Transfer Application No~~

DATE OF DECISION: 3.3.94

Shri Meher Chand Jindal Petitioner

Shri V.J. Kale Advocate for the Petitioners

Versus

~~General Manager,~~ Respondent
Ordnance Factory Pune and others


Shri R.K. Shetty. Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri M.R. Kolhatkar, Member (A)

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S. Hegde)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No 798/91

Shri Meher Chand Jindal

... Applicant.

V/s.

General Manager
Ordnance Factory
Dehu Road,
Pune.

Chairman,
Ordnance Factory Board
10 A, Auckland Road,
Calcutta.

Secretary
Union Public Service Commission
Dholpur House,
New Delhi.

Secretary
Ministry of Defence
Department of Defence Production
Govt. of India
New Delhi.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

Shri V.J. Kale, counsel
for the applicant.

Shri R.K. Shetty, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 3.8.94

{ Per Shri B.S. Hegde, Member (J) }

The applicant has prayed for the following relief; that the respondents be directed to give promotion to the applicant with effect from 1.10.91 as per the seniority list (Annexure A - 16) and the adverse remarks be set aside and cancelled for the reasons stated in the application.

The applicant joined the respondents in the year 1964 as Assistant General Manager, in the Ordnance Factory and confirmed in 1967.

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He was further promoted to the post of Deputy General Manager with effect from 13.1.73 and confirmed in that post on 1.1.76. Again, he was further promoted to the post of Manager with effect from 27.2.81. The said post was re-designated as Dy. General Manager, subsequently.

On a perusal of the records, we find, that the applicant ^{has} ~~have~~ been conveyed ~~with~~ the remarks more than once that the performance of the applicant is average and requires some improvement. The main contention in this OA is that he should be given promotion as per seniority list prepared by the respondents. It is an admitted fact, that the post of General Manager is to be filled up by way of selection. The D.P.C. has met on 18.2.91, 22.2.92 and 25.2.92 and considered as per the seniority list 264 persons who are otherwise eligible to be considered for the post and after evaluation of their respective service records, the D.P.C. selected 177 persons. The applicant's performance is shown as only "good". When a query was made whether any persons whose performance is "good" ~~has been~~ ^{has} been selected in the year 1981, the applicant was not able to show any such persons. None of his juniors who have been shown as "good" have been selected/promoted to the higher post. As stated earlier, the post of General Manager is purely a selection one and ^{selection} depends upon the performance of the individual officer and the service records. The D.P.C. having studied the service records of the various officers ~~and~~ have come to the definite finding that the applicant is not eligible for the post. Therefore, it is not open to the Tribunal to go beyond the decision of the D.P.C. at this stage. Therefore, the prayer made by the applicant to promote him as per the seniority list does not have any merit. In the circumstances OA is dismissed. No order as to costs.

M.R. Kolhatkar
(M.R. Kolhatkar)
Member (A)

B.S. Hegde
(B.S. Hegde)
Member (J)