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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 158/91

Transfar Application No:

DATE OF DECISION: 16.12.96

Shri K.C.Chattopadhyay

Petitioner

Shri Babu Marlapalle

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri V.S.Masurkar

Advocate for the Respondent(s)

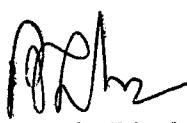
CORAM :

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

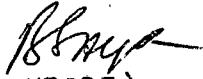
The Hon'ble Shri P.P.Srivastava, Member (A)

1. To be referred to the Reporter or not ? No

2. Whether it needs to be circulated to other Benches of No the Tribunal ?


(P.P.SRIVASTAVA)

MEMBER (A)


(B.S.HEGDE)

MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 158/91

Shri K.C.Chattopadhyay

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (J) Shri B.S.Hegde
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri Babu Marlapalle
Advocate
for the Applicant

Shri V.S.Masurkar
Advocate
for the Respondents

JUDGEMENT

Dated: 16/12/94

(PER: P.P.Srivastava, Member (A))

The applicant was recruited as Foreman on 5.11.1963 in the Research & Development Establishment (Engineers) Dighi-Pune-15. Thereafter, he was promoted to the post of Junior Scientific Officer w.e.f. 23.4.1969. The applicant was further promoted to the post of Senior Scientific Officer (SSO) Grade II w.e.f. 25.2.1974.

The applicant got further promotion in SSO Grade I w.e.f. 17.3.1981 in the scale of Rs.3000-4500. The applicant retired from service on 28.2.1994. The respondents have issued a seniority list which is placed at Annexure 'A-3' dated 13.2.1987 for SSO Grade I and the applicant had been shown junior to B.R.Singh, M.U.Bashe and M.C.Sahani who were shown senior to him. Another seniority list was also published which is placed at Annexure 'A-4' dated 31.5.1988. This seniority list was published according to the Supreme Court judgement

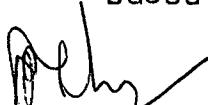


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in writ petition No. 1889/78 filed by Shri A.N.Pathak & Ors. The applicant's contention is that the name of the applicant has not been correctly shown and the seniority list at Annexure 'A-4' has not been correctly prepared according to the directions of the Supreme Court. The applicant has also mentioned that he was not placed in the panel of Principal Scientific Officer (PSO) selection which was held in 1989 as well as the next panel for the post of PSO which was published on 18.3.1991. The applicant has mentioned that these panels were not prepared by the Committee according to the D.P.C. rules. He has, therefore, prayed that the seniority list dated 13.2.1987 and 31.5.1988 placed at Annexure 'A-3' & 'A-4' may be quashed as well as the panels for the post of Principal Scientific Officer (PSO) prepared on 24.9.1989 and 18.3.1989 may also be quashed.

2. Notice of the application was given to the respondents on 2.5.1991. The respondents have filed written statement. The applicant has filed rejoinder to which the respondents have submitted their comments.

3. In the reply the respondents have brought out that the seniority list which is at Annexure 'A-3' was based on the basis of seniority list of SSO Gr.II which was published in 1981. This list of SSO Gr.II was prepared by the DPC headed by UPSC during 1981 and therefore the applicant is not now entitled to represent against the seniority list which is at Annexure 'A-3'. The respondents have also mentioned that the seniority list placed at Annexure 'A-4' is based on Supreme Court's directions and no foundation



has been laid by the applicant to challenge the order on the ground that there are any mistakes according to the directions of the Supreme Court and that it is not according to the directions given by the Supreme Court. The respondents have also mentioned that the panel for the posts of PSCO were prepared by the UPSC correctly according to the rules and the applicant has not found place on the panel as other employees were found more meritorious and according to rules the panels were prepared.

4. We have heard both the counsels. In view of the fact that the applicant has been retired, the only point raised by the counsel for applicant was about consideration of the applicant in the DPC held for PSCO in 1989 & 1991. The respondents were directed to bring the record of the DPCs for the post of PSO held on 24.9.1988 and 18.3.1991. We have perused these records of the DPC and we find that the applicant in both the DPCs was considered. Since his rating was "Good" only he could not find place in the panel, in which other employees having "Out Standing" and "Very Good" rating were placed. We also find that the applicant has not been able to lay any foundation for challenging the Supreme Court's seniority list and we do not find any merit in the claim of the applicant that the seniority list placed at Annexure 'A-4' has not been prepared by the directions given by the Supreme Court. We are satisfied that the DPC proceedings have been held according to the rules and we do not find anything in the DPC proceedings for the post of PSCO held in 1989 and 1991 which would warrant any interference from the Tribunal. In these circumstances, we are of the opinion that the OA is without any merit and is liable to be dismissed. We, therefore, dismiss the OA. There will be no order as to costs.


(P.P. SRIVASTAVA)

MEMBER (A)

mrj.


(B.S. HEGDE)

MEMBER (J)