

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 223/92
Transfer Application No.

Date of Decision : 26.4.95

S.B.Sirur Petitioner
Mr.Y.R.Singh Advocate for the
Petitioners

Versus

U.O.I. & Ors. Respondents
Mr.Karkera for Mr.P.M.Pradhan Advocate for the
respondents

C O R A M :

The Hon'ble Shri B.S.Hegde, M(J)
The Hon'ble Shri M.R.Kolhatkar, M(A)

- (1) To be referred to the Reporter or not ? *p*
(2) Whether it needs to be circulated to
other Benches of the Tribunal? *y*

Bhargava
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

O.A.NO. 223/92

S.B.Sirur

..Applicant

V/s.

Union of India & Ors.

..Respondents

Coram: Hon.Shri B.S.Hegde, Member(J)
Hon.Shri M.R.Kolhatkar, Member(A)

Appearance:

Mr. Y R Singh

Counsel for the applicant

Mr.S.S.Karkera, for Mr.P.M.Pradhan

Counsel for the respondents

ORAL JUDGMENT:

DATED: 26.4.95

(Per: B.S.Hegde, Member(J))

The short point for consideration is that the applicant is seeking promotion to the post of 20% Divisional Accountant Selection Grade w.e.f. February 1987 whereas he has been given promotion w.e.f. 6.6.1988. On perusal of the records we find that the respondents have taken a stand that the applicant is found unfit in the year 1986 therefore he could not be given promotion and accordingly he was given promotion in the year 1988. In this connection the memorandum dated 14.2.1989, issued by the respondents, is relevant. It is stated therein that the alleged adverse remarks from 1.4.85 to 31.3.86 were reconsidered by the respondents, after his promotion in 1989, and the alleged adverse remarks have been toned down by stating that "the adverse remarks appearing in the Confidential Report are not to be treated as adverse remarks but should only be deemed to have been communicated to him by way of future guidance only".

2. In the circumstances we direct the respondents to consider whether the applicant is fit for promotion in February 1987, without taking into consideration

the adverse remarks from 1.4.85 to 31.3.86, by convening a Review D.P.C. If he is found fit he should be given promotion from the date his immediate junior was promoted, as many of his juniors have been promoted in the panel of 1987. This shall be completed within four month from the date of receipt of a copy of this order. No order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)

Member(A)

B.S. Hegde

(B.S. Hegde)

Member(J)