

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXX~~ BOMBAY BENCH

O.A. No. 528/92

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DATE OF DECISION 25.6.1992

Shri Balbir Singh Verma Petitioner

Shri S.P.Kulkarni Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri P.M.Pradhan Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. M.Y.Priolkar, Member (A)

The Hon'ble Mr. J.P.Sharma, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? 2
2. To be referred to the Reporter or not ? 2
3. Whether their Lordships wish to see the fair copy of the Judgement ? 2
4. Whether it needs to be circulated to other Benches of the Tribunal ? 1

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(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 528/92

Shri Balbir Singh Verma

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (A) Shri M.Y.Priolkar  
Hon'ble Member (J) Shri J.P.Sharma

Appearance

Shri S.P.Kulkarni  
Advocate  
for the Applicant

Shri P.M.Pradhan  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 25.6.1992

(PER: J.P.Sharma, Member (J))

Shri Balbir Singh Verma, applicant, Assistant Superintendent in the National Sample Survey Organisation filed this application under Section 19 of the A.T.Act, 1985 aggrieved by non-disposal of a representation dated 6-6-91 with regard to his non-promotion to the post of Superintendent. The applicant has prayed for the following reliefs:-

- (i) This Hon'ble Tribunal be pleased to direct the Respondents to cause holding of revised D.P.C. for the year 1991 in respect of the applicant with further directions to finalise its proceedings within 1 month and take decision on such recommendations within one month thereafter.
- (ii) This Hon'ble Tribunal be pleased to direct the Respondents to grant consequential benefits out of (i) above (including promotion from the date the junior was promoted and other benefits)
- (iii) The Respondents be saddled with the cost of this application.

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2. We have heard the learned counsel for the parties at the admission stage itself, and the learned counsel for the respondents has made available for the perusal of the Bench the A.C.Rs of the applicant as well as the proceedings of the DPC for the relevant years 1990-91 and 1991-92.

3. The learned counsel for the applicant basically raised two points assailing his non-selection. Firstly, that a person similarly situated Mr. A.R.Momin, who was not even allowed to cross Efficiency Bar was promoted while the applicant has not been selected. The second point raised by the learned counsel for the applicant is that he was not informed that he is in the zone of consideration in the year 1990-91 for which DPC met some time in May, 1991.

4. The law on the point is clear that the Tribunal is not a Appellate Authority sitting as an expert body on the recommendations of the DPC unless and until it is specifically alleged and established that the constitution of the DPC was not according to rules or that the procedure adopted by the DPC was irregular and illegal. No malafide has been alleged in the application nor any member of the DPC has been impleaded by name in the application. In view of this fact, as per established law, the findings of the DPC can only be scrutinised to the extent whether the applicant has been considered for the selection post or not.

5. The DPC which met on 30.5.1991 considered the applicant Shri Balbir Singh Verma whose name find at Sr.No.6 and there is a note that he is unfit. Similarly, in the year 1992 the applicant could not make a mark for selection by the DPC.

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The learned counsel for the applicant urged that a comparative study may be made with regard to one person Mr. Momin but that is not open in view of the facts urged in the application itself and further the said person is not impleaded as respondent in this case. As regards with the fact that the applicant was not informed regarding that he is in the zone of consideration in the year 1991, that by itself will not prejudice in any manner the non-selection of the applicant because he has already been considered. The only vested right available to the applicant was for consideration by the DPC <sup>and</sup> ~~if~~ that has been done.

6. After hearing the learned counsel for the respondents, we find that the present application is totally devoid of merit and is disposed of at the admission stage itself. In the circumstances, the cost will be borne by parties.

*J.P. Sharma*  
(J.P. SHARMA)  
MEMBER (J)

*M.Y. Priolkar*  
(M.Y. PRIOLKAR)  
MEMBER (A)