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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 720/92.

Transfar Application No:

DATE OF DECISION: AUGUST 10, 1994.

Shri A. G. Shaikh, Petitioner

Shri B. Dattamoorthy, Advocate for the Petitioners

Versus

Union Of India & Others, Respondent

Shri S. S. Karkera, proxy for
Shri P. M. Pradhan, Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

The Hon'ble Shri V. Ramakrishnan, Member (A),

1. To be referred to the Reporter or not ? *no.*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no.*


(M. S. DESHPANDE)
VICE-CHAIRMAN.

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

O.A. NO.: 720/92.

Shri A. G. Shaikh ... Applicant

Versus

Union Of India & Others ... Respondents.

CORAM :

1. Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman.
2. Hon'ble Shri V. Ramakrishnan, Member (A).

APPEARANCES :

1. Shri B. Dattamoorthy,
Counsel for the Applicant.
2. Shri S. S. Karkera for
Shri P. M. Pradhan, Counsel
for the Respondents.

ORAL JUDGEMENT :

AUGUST 10, 1994.

1. The applicant by this application seeks ~~for~~ promotion under the Biennial Cadre Review Scheme which should have come his way after completing 26 years of service on 01.09.1988, with effect from 01.10.1991 under the BCR which came into force on 01.10.1991.

2. The applicant was granted the first promotion after a lapse of 16 years on 30.11.1983. Under that scheme, the applicant was denied the second promotion, which should have come his way after the

the expiry of 26 years of service and since that was denied to him, he has challenged the action of the department, as there was nothing adverse against him in the service records within a period of five years before the date on which he should have been considered for the second promotion.

3. The respondents have stated that there was a disciplinary proceedings against the applicant and the D.P.C. found him unsuitable for promotion. A charge-sheet was given to him on 19.05.1992 and a recovery of Rs. 5000/- was ordered because of his contributory negligence and in any event, this enquiry should not have come in the way of his promotion. When ^{we enquired from} the Learned Counsel for the applicant ~~was enquired~~ as to when the incident took place, on the basis of which the charge-sheet was issued, we were told that it was two years before the filing of the charge-sheet and that it will fall prior to 01.10.1991. It is however not necessary to go into that incident, because the respondents contention is that the D.P.C. which considered the records of the applicant, found him unsuitable for the second promotion. The applicant has not challenged in the present application the proceedings before the D.P.C. In view of the reasons given by the respondents, we find that the applicant will not become entitled to any relief, since the D.P.C. has found him unsuitable.

4. Accordingly, the O.A. is disposed of.
No order as to costs.


(V. RAMAKRISHNAN)
MEMBER (A).


(M. S. DESHPANDE)
VICE CHAIRMAN.