

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: **11 NOV 1993**

APPLICATION NO(s) 116 of 1993.

APPLICANTS: K.N.Venkatesh v/s. RESPONDENTS: Project Manager,
Rare Material Plant, Mysore & Others.

TO.

1. Dr.M.S.Nagaraja,
Advocate, No.11,
Second Floor,
Sujatha Complex,
First Cross,
Gendhingar,
Bangalore-9.
2. The Project Manager,
Indian Rare Earths Limited,
Rare Materials Plant,
Ratnehally Complex,
Post Bag No.1,
Hunsur Road,
P.O.Yelwal, Mysore-571100.
3. Sri.G.Shanthappa,
Addl.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 03-11-1993.

gm*

Issued
by
Gm

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

4/11/93

CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH

OA No. 116/1993

DATED THIS DAY THE 3RD OF NOVEMBER, 1993

Hon'ble Shri S. Gurusankaran ... Member (A)

Hon'ble Shri A.N. Vujjanaradhya ... Member (J)

Shri K.N. Venkatesh
aged 30 years
S/o Sri K.R. Nagaraj
1444, 4th Cross,
Kothwadipura Agrahara,
MYSORE - 570004.

... Applicant

(By Advocate Dr. M.S. Nagaraja)

vs.

1. The Project Manager,
Rare Material Plant,
Yelawal, Hunsure Road,
Mysore.
2. The Project Director,
Rare Materials Project,
Bhabha Atomic Research Centre,
Government of India,
Bombay - 400001.
3. Union of India represented
by the Secretary to Government,
Ministry of Science & Technology,
Department of Atomic Energy,
New Delhi.

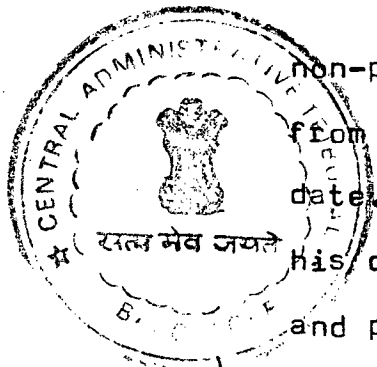
... Respondents

(Advocate Shri G. Shanthappa)

ORDER

Hon'ble Shri S. Gurusankaran:

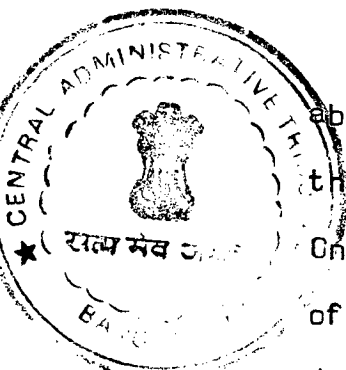
In this application the applicant is aggrieved by his non-promotion from Tradesman 'B' to Tradesman 'C' with effect from 1.5.1991, while his junior has been promoted from that date. He has prayed for directing the respondents to consider his case for promotion from Tradesman 'B' to Tradesman 'C' and promoting him retrospectively with effect from the date of



his junior has been promoted with all consequential benefits including payment of arrears.

The respondents have filed the reply contesting the application.

We have heard counsel for both the parties. The facts of the case are not in dispute. The charge of Rare Materials Project, in which the applicant was employed from 17.3.1988 was transferred from Indian Rare Earths Ltd. to the Baba Atomic Centre with effect from 1.2.1991. Since the recruitment Rules specify a minimum period of three years of service with certain gradings in CRs, the applicants alongwith other similarly placed persons, was considered for promotion from Tradesman 'B' to Tradesman 'C' by the departmental promotion committee, but was not considered suitable for the same.



The learned counsel for the applicant has not been able to produce any material before us whatsoever to prove that the applicant's case was not considered for promotion. On the other hand, the respondents have produced the records of the DPC, which clearly shows that the applicant was considered for promotion, but was not found suitable because of the adverse remarks in the CRs which were also communicated to the applicant. In addition, the applicant also suffered a punishment of stoppage of increment for one year on 16.10.1990.

The learned counsel for the applicant finally argued that the conditions under which the applicant was transferred to BARC from Rare Earths Limited should have been studied to examine as to whether the past performance of the applicant should have been taken into consideration for deciding the

the promotion. We find no merit in this ^{Contention} ~~application~~, since first of all this is not one of the pleas taken in the pleadings. Even otherwise, since the promotion which is based on past services, performance of the past services has to be considered for future promotion, unless there is any specific provision to the contrary in the recruitment rules. No such provision in the recruitment rules or modification to the existing rules has been produced by the counsel for the applicant.

In the light of the above we find no merit in the application and accordingly this application is dismissed but without any orders as to costs.

Sd-

(A.N. Vujjanaradhya)
Member (J)

Sd-

(S. Gurusankaran)
Member (A)

TRUE COPY

m. Anur S
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL DEPUTY
BANGALORE

11/11/93

