

(X)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH,
CAMP AT G O A.

Original Application No.558/93.

B.V.Narvenkar. Applicant.

V/s.

Union of India & Anr. Respondents.

Coram: Hon'ble Shri M.S.Deshpande, Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri D.P.Bhisse.
Respondents by Shri G.R.Sharma.

Oral Judgment:-

[Per Shri M.S.Deshpande, Vice-Chairman] Dt. 13.6.1994.

Heard Shri D.P.Bhisse, counsel for the applicant
and Shri G.R.Sharma, counsel for the respondents.

2. The only grievance of the applicant is that he has not been considered by the Departmental Promotion Committee (DPC) which was held on 15.1.1992 for the regularisation of Preventive Officers who were working on ad hoc basis. The applicant's contention is that he was on leave at that time and he was also undergoing a medical treatment and he had no notice of the DPC.

3. Shri Sharma, counsel for the Respondents has placed before us the proceedings of DPC from which it appears that the applicant was not considered because he was absent and a note was made against him that he had failed in viva voce presumably at which he had not appeared. Shri Sharma placed before us the statements of two Preventive Officers viz. Costao Fernandes on 14.1.1992 and Smt.Nina D'Silva on 15.1.1992 intimated to the applicant about the LPC sitting on 15.1.1992. The applicant had sent a representation on 17.1.1992 in which he had made a grievance of not having been considered and to that representation no reply has

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been sent. According to Shri Sharma, on 28.1.1992 the applicant was asked to appear before the DPC. Shri Bhispe states that the applicant was hospitalised on that day.

4. We have taken the entire submissions into consideration and prima facie there appears to be no reason why the applicant who was working on ad hoc basis ^{~ should not have of use & for} ~~was not being~~ considered. We therefore, direct the Respondents to constitute a Review DPC and to consider the applicant for regularisation as Preventive Officer on the basis of the record upto 15.1.1992. We, however, make it clear that in the circumstances the applicant would not be entitled to claim seniority over the others who had already appeared and have been regularised. We are making the above order in view of the special circumstances of the case; this is because the seniors who have already been selected have not been made parties to the present application. The case is disposed of with the above directions. The Review DPC may be constituted within sixty days from the date of receipt of a copy of this order.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER(A)

M.S. Deshpande

(M.S. DESHPANDE)
VICE-CHAIRMAN

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