

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO : 40/2000
IN
ORIGINAL APPLICATION NO.1504/95.

Wednesday this the 28th day of Feb., 2000.

Coram: Hon'ble Shri B.N.Bahadur, Member (A),
Hon'ble Shri S.L.Jain, Member (J).

S.R.Mundargi

...Applicant.

(By Advocate Shri M.R.Patil)

Vs.

Union of India & ors.

...Respondents.

(By Advocate Shri R.K.Shetty)

: O R D E R :

{Per Shri S.L.Jain, Member (J)}

This is an application under Rule 17 of the Administrative Tribunals (Procedure) Rules, 1987 for reviewing of an order passed by this Tribunal in OA 1504/95 passed on 6.7.2000.

2. The learned counsel for the original applicant/Review Petitioner argues that he has no grievance in respect of the order passed by this Tribunal and finding recorded by the Bench till para 6 of the said order "But such a relief cannot now be granted in view of the facts now brought out by Respondents No.1 and 2 at the time of arguments." He has the grievance in respect of para 7 of the order. His contention is that the finding recorded by the Tribunal that "Very Good" Bench mark is required, is not correct.

S.L.J.

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3. The learned counsel for original applicant/Review Petitioner relied on Exhibit RP1 and argued that as the applicant's case was for ^{Promotion was for} the post of Director which bears the pay scale of Rs. 3700 - 125 - 4700 - 150 - 5000, Hence the Bench mark is "Good" and not "Very Good". He relied on page 86 of Seniority and Promotion (i), (ii), (iii) & (iv) which ^{is} ~~are~~ reproduced below for ready reference.

(i) Having regard to the levels of the posts to which promotions are to be made, the nature and importance of duties attached to the posts, a benchmark grade would be determined for each category of posts.

For all Group 'C', Group 'B' and Group 'A' posts (up to and excluding the level of Rs. 3700 - 5000) the benchmark would be 'Good' and will be filled by the method of Selection-cum-Seniority as indicated in sub-para (iii)

(ii) In respect of posts which are in the level of Rs. 3700 - 5000 (pre 1.1.1996) and above, the benchmark grade should be 'Very Good' and will be filled by the method of Selection by Merit as indicated in sub/para (iv).

(iii) Each Departmental Promotion Committee while considering the suitability of officers for promotion to posts for which the benchmark has

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been determined as 'Good' would grade the officers as 'Good', 'Average' and 'Unfit' only. Only those officers who obtain the grading of 'Good' will be included in the panel in the order of their seniority in the lower grade, subject to availability of vacancies.

(iv) Notwithstanding the provisions mentioned above, in the case of promotion made for induction to Group 'A' posts/services from lower groups, while the benchmark would continue to be 'Good' the DPC shall grade the officers as 'Outstanding', 'Very Good', 'Good', 'Average' and 'Unfit', as the case may be, and the officers will be arranged according to the grading obtained, placing the 'Outstanding' officers on top followed by those graded as 'Very Good' and so on in the select panel up to the number of vacancies, with the officers having the same grading maintaining their interse seniority in the feeder grade.

On perusal of the same we are of the considered opinion that the above stated provisions deserves to be considered together, the benchmark prescribed is to be considered with reference to the pay scales to which promotions are to be made and (iv) is to be considered an exception to para (i) and (ii). On perusal of para (i) and (ii) we are of the considered opinion that as the

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post of Director is in the scale of Rs.3,700-5,000, the post of Deputy Director is a Group 'A' post, the promotion to the post of Director is also to Group 'A', the Bench mark grading should be "Very Good". Further perusal of (iv) makes it clear that the grading should be as stated above that DPC shall grade as 'Outstanding', 'Very Good' 'Good' and 'Average' as the case may be and the officers will be arranged according to the grading placing 'Outstanding' officers on top followed by 'Very Good' in the select panel up to the number of vacancies with the officers having the same grading maintaining their interse seniority in the feeder cadre.

4. As the applicant was graded 'Good' and grading which is required was 'Very Good', the applicant could not get the benchmark.

5. In the circumstances stated above, we do not find any error in the order passed by thi Triunal in para 7.

6. The learned counsel for the original applicant/Review Petitioners argues that the proceedings of the DPC be called for and the findings recorded in respect of the applicant be reexamined, as the applicant is graded 'Very Good' but the word 'Very' is being erased which came to his notice by the reply of the review petition filed by the respondents. We do not think it necessary to call again the proceedings of the D.P.C. which were examined by the Tribunal earlier and which is not a ground for

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In the
Review Petition. ~~result, we do not find any merit in the Review~~
7. In the result, we do not find any merit in the Review
Petition. It is liable to be dismissed and is dismissed
accordingly, with no order as to costs.

S. L. Jain
(S.L.JAIN)
MEMBER (J)

B. N. Bahadur
(B.N.BAHADUR)
MEMBER (A)

B.

21/28/10/1
Order/Judgment despatched
to Applicant/Respondent(s)
on *8/3/10/1*

NO