

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

OA No.173/1997

Mumbai, this 29th day of October, 2001

Hon'ble Shri S.L. Jain, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

1. P.L. Navalkar
J-1/1, Barve Nagar, Bhatwadi
Near Muktabai Hospital
Ghatkopar, Mumbai
2. Aloor Lukas Antony
P/2, BARC, Mumbai
3. Balkrishna Sadashiv Amburle
Shamnikwas, Carvalo Nagar, Thane
4. Omprakash Gangavishan Acharya
Samata Nagar, Kandivali, Mumbai
5. Achakkottil Kora Sreedharan
C/18, Sahyadri
Anu Shakti Nagar, Mumbai .. Applicants

(By Shri S.P. Kulkarni, Advocate)

versus

Union of India, through

1. Additional Secretary
Dept. of Atomic Energy
Anushakti Bhavan, CSM Marg
Mumbai
2. Inspector General (Security)
Dept. of Atomic Energy
CSM Marg, Mumbai
3. Chief Security Officer
BARC, Central Complex
Trombay, Mumbai
4. Dy. Estt. Officer
Personnel Division, Recruitment Section
BARC, Central Complex
Trombay, Mumbai
5. K.V. Somasundaram) Through R-3
6. V.R. Badade)
7. S.N. Nimbade)
8. V.R. More) .. Respondents

(By Shri M.I. Sethna with Shri V.D. Vadhavkar, Advocates)

ORDER(oral)

Shri S.L. Jain

This is an application under section 19 of the
Administrative Tribunals Act, 1985 seeking reliefs stated
as under:

P.W. -

- (i) Call for the records of the DPC held in 1991 and 1993 empanelling 26 and 13 Asstt. Security Officers (ASOs, for short) as also Reviews DPC of 20.6.96 empanelling 26 ASOs alongwith GSR & R/Rules, for better and proper appreciation of the subject matter and orders;
- (ii) Hold and declare written examination and interview held in January, 1997 on the basis of so-called suitable norms dehors the R/Rules as also quash and set aside the OMs enabling them (i.e. Exh. A-1 to A-3);
- (iii) Direct respondents to hold DPC (year-wise panelling) vacancies from 1990 onwards strictly as per judgement in OA 121/91 and R/Rules in force within two months;
- (iv) Hold and declare promotion of respondents 5 to 8 as Security Officer, inspite of scrapping of panel as illegal; and
- (v) Direct respondents to publish full panel for 1996 (including extended panel) and if empanelled promote the applicants.

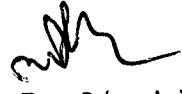
2. The learned counsel of the respondents has brought to our notice the order dated 24.3.1998 passed by this Tribunal in OA No.132/97. The said order makes it clear that the review DPC had been held in a fair manner and review DPC/fresh DPC is only a matter of labeling the same. We have also perused the records of review DPC and we are of the considered opinion that the review DPC had been held as per the directions given in OA No.121/91 decided by this Bench on 12.1.1995.

3. Learned counsel of the applicants contended that the review DPC/fresh DPC ought to have been held for the vacancies arising during a particular year. We have perused the papers and the orders passed in the review DPC which clearly state that persons considered for a

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particular year have been given promotion accordingly mainly on the basis of seniority-cum-fitness and all the applicants have been considered and no one was overlooked. Thus the grievance made by the applicant fails to the ground.

4. The grounds on which applicants could not be considered for empanelment are mentioned by the respondents. Shri Navalkar who is no more was not found fit in 1996 and 1997 reviews. Shri Antony did not apply for 1990-91; he was empanelled in 1997 review DPC but could not be promoted during the validity of the panel. Shri Amburle, Shri Acharya and Shri Sreedharan were not empanelled in 1996 review DPC. They were empanelled in 1997 review but could not be promoted during the validity of the panel. Thus, the above position makes it clear that the applicant No.1 was not found fit by the review DPCs of 1996 and 1997 while the remaining applicants were not found fit by the 1996 review DPC. They were empanelled in 1997 review DPC but they could not promoted during the validity of the panel. As such there is no merit in the OA and the same is accordingly dismissed. No costs.



(M.P. Singh)
Member(A)



(S.L. Jain)
Member(J)