

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 914/97

MONDAY the 1st day of APRIL 2002

CORAM: Hon'ble Shri B.N. Bahadur, Member (A)

Hon'ble Shri S.L. Jain, Member (J)

Madhukar Domaji Datir
Residing at
Davodas Dharmashala,
Gopalpura,
Alandidev, Pune.

...Applicant.

By Advocate Shri A.K. Pophale.

V/s

1. The Secretary,
Ministry of Water Sources,
Government of India,
Shram Shakti Bhavan,
New Delhi.
2. The Chairman,
Central Ground Water Board,
Government of India,
CGO Complex,
N.H. IV, Faridabad.
3. The Administrative Officer
Central Ground Water Board,
Ministry of India,
N.H. IV, Faridabad.
4. The Chief Hydrogeologist and
Member, Central Ground Water
Board, Ministry of Water
Resources, Government of India,
CGO Complex, N.H.IV, Faridabad.

...Respondents.

By Advocate Shri R.K. Shetty.

OEDER (ORAL)

{Per B.N. Bahadur, Member (A)}

The applicant in this case comes upto the Tribunal
seeking a number of reliefs as at Sub-paras (a) to (f) of para 8
of OA.

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2. The learned counsel for both sides were heard in the matter, viz. Shri A.K. Pophale for the applicant and Shri R.K. Shetty for the respondents. At the outset we brought to the notice of the learned counsel for the applicant that it can be clearly seen that there are multiple reliefs. After some deliberation the learned counsel for the applicant prayed for withdrawal of reliefs at Sub-paras (b), (c) and (d) seeking for a liberty to file separate OA/OAs in this regard. This prayer is allowed and liberty provided accordingly, subject to all objections raised in the written statement filed by the respondents being kept open. Thus we are looking at the relief in Sub-para (a) of para 8 and consequential reliefs of Sub-para (e) and (f).

3. The matter is now in a short compass and all the facts put forth by the applicant in his application and all the contention taken in the OA by the learned counsel for the applicant were carefully gone into. The applicant is, in fact, aggrieved as not having been considered for promotion from 1983. The learned counsel for the applicant stated that applicant finally promoted with effect from 29.10.1992, only. The question is whether applicant was wrongly overlooked from 1983 onwards.

4. In view of this clear cut point now we looked into the original record of DPCs and the CRs. These were provided to us by the learned counsel for the respondents Shri Shetty during arguments. We find that in the DPC held on 10.10.1983 the

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applicant has been graded as 'Good' and a number of persons have been graded as 'Very Good' also. It is seen from the panel formed that only those who have been graded as 'Very Good' have been taken. In view of this fact we cannot say that anything unfair has been done to the applicant or that any illegality has been done, since it is an admitted fact that higher post in question is a selection post. We saw the record of the subsequent DPC which has been held on 23.5.1985. Here the applicant has been graded as 'fair' and the panel prepared. Only persons who have graded 'Good' have been taken. The next record we have gone through is that of Minutes of meeting of DPC held on 18.5.1986. At this time the applicant is recorded as being under departmental enquiry initiated on 12.11.1984. Here the applicant is graded 'Good'. In the panel prepared in the year 1986 the persons are either graded as 'Very Good' or are senior to applicant. Here also we do not find any illegality or prejudice against the applicant.

5. Now once this is the position, it cannot be argued by the applicant that he has been prejudiced. The learned counsel for the applicant raised the point that the senior most officer writing the C.R. of the applicant was biased against him and the person who initiated was also working under his pressure. In fact as per settled law this Tribunal has not to function as an Appellate Authority. We have gone through the CRs carefully. A mere statement of prejudice and malice raised in the OA and argued by the Learned counsel without arraying any party by name cannot be a ground for the applicant to argue bias / malice. The

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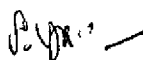
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learned counsel for the applicant also raised a point that the CRs are infact wrongly written vis-a-vis the norms of the work load prescribed and prayed that the Tribunal should call for records and go through the same on this issue. This is not certainly possible, as this process would mean that we are going into the matter in a roving enquiry as an Appellate Authority. This argument of the applicant is not valid.

6. The learned counsel for the applicant took support from the ratio in the case of State of U.P. V/s Narendra Nath Sinha 2002 SCC (L & S) 46. We do not see how this judgement is relevant to the present case. He also took support from the judgement of Gurdial Singh Fijji V/s State of Punjab AIR 1979 SC 1622. However this is not a case where allegations are made of adverse CR entries. Hence this also does not apply to the present case before us.

7. The OA therefore fails on consideration of merits. Since the matter fails on merit we have not gone into the question of limitation as strenuously alleged by the respondents. Also in view of discussions above the prayer at para 8(e) is rejected. Prayer at sub-para (f) is outside the purview of this Tribunal and is also rejected.

8. Thus the OA fails and is dismissed on merits with no order as to costs.


(S.L.Jain)
Member (J)


(B.N.Bahadur)
Member(A)