

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
CIRCUIT BENCH: GOA

OA NO.1049/97

THIS THE 7TH DAY OF OCTOBER, 1998.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR. N.SAHU, MEMBER(A)

Shri D.S.Banedar,
Assistant Postmaster
Mapuca, GOA
C/o C.B.Kale,
Shree Niwas,
Kardal
Saphale, Post Umbarpada
Taluka- Palghar
Dist- Thane,
P.I.N-401 102

Applicant

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(BY ADVOCATE SHRI C.B.KALE)

Vs.

1. The Union of India, through
the Director General,
Department of Posts,
New Delhi-110001.
2. Chief Postmaster General,
Maharashtra Circle,
Mumbai-400 001.
3. The Postmaster General,
Goa Region, Panaji.
4. The Sr.Suptd.of Post Offices,
Kolhapur Division, Kolhapur.

(SHRI R.B.BELOTE, ASP(VIG) FOR
THE RESPONDENTS)

Respondents.

ORDER(ORAL)

JUSTICE K.M.AGARWAL:

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has made a prayer for directing the respondents to reconsider him for promotion to the post of Higher Selection Grade-I (in short, HSG-I) by holding review DPC retrospectively from 1992.

2. At the outset, the learned counsel for the applicant conceded that the applicant was not within the zone of consideration prior to 1994 and accordingly made a prayer that the case of the applicant for promotion be considered only from the year 1994.

3. It is not disputed that the applicant is a person belonging to Scheduled Caste. He was, at the relevant time, holding the post of Higher Selection Grade-II (in short, HSG-II). It is also no longer in dispute that the applicant was considered by the DPC from time to time, but he was not found fit for promotion. On 21.3.1997 in a review DPC his name was cleared for promotion to the post of HSG-I and accordingly he got the promotion. Now the question that survives is about the applicant's claim for review DPC for previous years of 1994, 1995, 1996 and also till February, 1997.

4. The learned counsel for the applicant submitted that the applicant belongs to Scheduled Caste category and, therefore, his name should have been separately considered from the candidates belonging to the general category. If so considered, the applicant was likely to be selected by the earlier sittings of the DPC. It was further submitted that certain quota was fixed for promotion to HSG-I from amongst officers belonging to Scheduled Caste category. Against that quota, the applicant was entitled to be considered and if so considered, he was likely to be selected earlier by the DPC.

5. The departmental representative brought to our notice that even for Scheduled Caste candidates, it was necessary to secure minimum bench-mark prescribed for candidates belonging to Scheduled Caste. It was not disputed that the applicant was considered along with candidates belonging to general category. Further it was submitted that selection process was not vitiated because the same DPC simultaneously considered the officers belonging to general category and those belonging to Scheduled Caste category. It was pointed out that


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the bench-mark of the applicant was "good" and, therefore, he was not cleared by the DPC.

6. After considering the rival contentions and perusing the records, we find that in the DPC held on 27.7.1994, the applicant did not obtain even the minimum bench-mark of "good" and, therefore, his name was not recommended. He was not the only person belonging to Scheduled Caste whose name was not cleared by the DPC. 4 Scheduled Tribe candidates and 4 other Scheduled Caste candidates were also not selected by the DPC because they did not obtain the minimum bench-mark of "good". In the DPC held on 19.4.1995, the position did not improve. So also in the subsequent meetings of the DPC. Ultimately in review DPC dated 21.3.1997 after relaxing the bench-mark for Scheduled Caste and Scheduled Tribe candidates, the applicant was given clearance by the DPC and accordingly, he was promoted. Under these circumstances, we are of the view that no case is made out by the applicant for re-consideration of his case for promotion by review DPC of meetings held prior to 21.3.1997.

7. In the result, this OA fails and it is hereby dismissed but without any order as to costs.


(K.M. AGARWAL)
CHAIRMAN


(N. SAHU)
MEMBER(A)