

J A I P U R.

O.A. No. 834/92

Date of Decision: 15.12.94

HARPAL DAS

: Applicant.

VERSUS

UNION OF INDIA & OPS :. Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

Mr. S.S. Hasan : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Ms. Usha Sen, Member (Adm.)

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman:

Heard the learned counsel for the parties.

2. We have perused the ACP of 1982 of the applicant, Annexure A-11. In this ACP, general remarks are that ^{his} ~~the~~ work is not satisfactory and ^{he} is not fit for promotion and in most of the items, performance has been shown as 'poor'. In the subsequent year 1983 also, the similar remarks are there and his work has been shown as 'very poor'. Again, in the year 1984, the applicant has earned the same reputation and he has not improved his performance.

3. There is an accountability and the persons who are not performing their duties properly cannot be promoted. On the contrary, there is a need of the ^{hour} ~~time~~ that such dead horses should be allowed to go.

4. For the reasons mentioned above, we are satisfied that no case is made out by the applicant and the respondents were justified in giving a find^{ing} that he is not fit for promotion.

5. In the result, the O.A. is dismissed accordingly, with no order as to costs.

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(USHA SEN)
Administrative Member

D.L. Mehta
(D.L. MEHTA)
Vice-Chairman