

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 15.9.94.

OA 839/92
(OA 42/88)

O.P. SINGH ... APPLICANT.

vs.

UNION OF INDIA ... RESPONDENT.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON'BLE MISS USHA SEN, MEMBER (A).

For the Applicant ... SHRI J.K. KAUSHIK.

For the Respondents ... SHRI S.S. HASAN.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

On the request of the applicant DPC proceedings were called. DPC held two meetings. One meeting was held on 5.9.87 for promotion of Junior Engineer (Civil) to the grade of Asstt. Engineer (Civil). Record of some persons was not available and it was decided that their cases shall be considered later on. Again, second meeting was held on 17.11.88 after the availability of the record of the persons and this second meeting was in continuation of the DPC held earlier and this fact has been mentioned in the subsequent meeting's proceedings also. In the subsequent meeting, the cases of 31 persons were considered and out of them two persons were placed in Outstanding category. They are Mr. N.C. Gupta and N.K. Mathur. It is true that all the persons, who have been promoted, were placed in the Outstanding category. Applicant's case was also considered and he was placed in Very Good category. So, the persons whose names find place in the Outstanding category have been promoted though they may be junior to the applicant and they have rightly been promoted.

2. We have also seen some proceedings of the DPC and the ACRs of the present applicant. His two ACRs are Outstanding and three are Very Good, and the DPC has graded him in the category of very good officers. We cannot substitute the opinion formed

by the DPC and this is a reasonable classification or gradation of the applicant and the applicant cannot claim any right over those persons who have been graded in Outstanding category. The learned counsel for the applicant submits that the certificates have not been placed on record and he has invited our attention to Rule-14 of the CPWD Manual, Vol.-I, which provides that, "letters of appreciation or notes of commendation issued by an authority of the rank ^{of} Secretary in the Ministry or Head of the Department or special bodies or Commissions may be placed with the confidential reports. Appreciation of the work done should more appropriately be recorded in the report rather than in a letter." The word 'may' has been used, which shows that it is not mandatory. Apart from that, the emphasis has been given to the appreciation of the work done ~~should~~ ^{being more} more appropriately be recorded in the report rather than in a letter. So, it was considered that the letter should be given less weightage in all cases and for this very reason, the word 'may' has been used. Apart from that, they are placed in the confidential records and they are considered at the time of preparation of the confidential records. So, they cannot claim that it should have an overriding ~~overriding~~ ^{overriding} effect on ACRs.

3. For the reasons mentioned above, we do not find force in the OA and the same is dismissed, with no order as to costs.

Usha Sen
(USHA SEN)

MEMBER (A)

D.L. Mehta
(D.L. MEHTA)

VICE CHAIRMAN