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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.218 of 1989.

Date of Judgment: 5-6-1990

P.C.Rameshan

.. Applicant

Versus

The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam
& another

.. Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao,
Advocate.

Counsel for the Respondents : Shri N.Bhaskara Rao,
Addl. CGSC.

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian : Member(Admn).

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

This is an application filed under section 19
of the Administrative Tribunals Act by Shri P.C.Rameshan
against the Admiral Superintendent, Naval Dockyard,
Visakhapatnam and another.

2. The applicant was a Foreman (Fitting) working
in the Naval Dockyard, Visakhapatnam. A departmental
promotion committee for promoting Foreman (Fitting)
to Senior Foreman (Fitting) was held on 16.2.81.

The applicant was not selected. The applicant contends
that he was the only eligible candidate and ^{yet} ~~still~~ he was

not considered whereas 3 others junior to him had been selected. He filed O.S.No.69/81 on 24.4.81 which was transferred to this Tribunal as T.A.No.1109/86. In the judgment dated 12.11.87 in the above T.A. this Bench directed that the respondents review the vacancy^{yes position} for the year 1980 and in the event of a vacancy being available a fresh departmental promotion committee should be convened in accordance with the Govt. of India O.M. on conducting departmental promotion committees. The applicant represented to the concerned authorities and vide their order dated 25.2.88 (annexure 7 to the application) the applicant was informed that in pursuance of directions of this Tribunal a departmental promotion committee ^{met} was held and that the departmental promotion committee had not recommended him for promotion as Senior Foreman. The applicant prays that this letter of 25.2.88 be set aside as illegal and to direct the respondents to promote him from 16.2.81 with all consequential benefits.

3. The respondents have opposed the prayer. They have stated that pursuant to the orders of this Bench they reviewed the position and found that one vacancy for the year 1980 was available. The applicant was the only candidate eligible to be considered for promotion by the departmental promotion committee. They held a departmental promotion committee meeting on 24.2.88 and the case of the applicant alone was considered. They have stated that the applicant did not come up to the

expected standards and hence was not recommended. They had intimated this fact to the applicant vide letter dated 25.2.88 sought to be set aside.

4. The question to be resolved is straight. The applicant being the only eligible candidate for the only vacancy in 1980, we have to see whether the departmental promotion committee had followed the procedure laid down. We find from the departmental promotion committee records that they met on 24.2.88 and after considering his performance records during the years 1977-79 had come to the conclusion that he was not fit to be promoted. According to para 6.2.1(b) of the consolidated guidelines issued by the Department of Personnel & Training O.M.No.22011/5/86-Est(D) dated 10.4.89 (these are only in the nature of updating the instructions contained in their memo dated 30.12.76 according to which ~~also~~ C.Rs of 5 years are to be considered), the D.P.C. should have examined the C.Rs of 5 years and not 3 years only.

5. We have seen the A.C.Rs of the applicant for the years 1975, 1976, 1977, 1978 and 1979. We find that except in respect of the year 1977 where the performance has been rated as 'Average' in respect of the other 4 years the performance is seen to be 'More than good'. Under these circumstances we see no justification for the special review committee which met on 24.2.88

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To:

1. The Admiral Superintendent, Naval Dockyard, Visakhapatnam-14.
 2. The Flag Officer Commanding-in-chief, Eastern Naval Command, Naval Base, Visakhapatnam-14.
 3. One copy to Mr.G.V.Subba Rao, Advocate, 1-1-230/33, Chikkadpally, Hyderabad.
 4. One copy to Mr.N.Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.
 5. One spare copy.
 6. One copy to Hon'ble Mr.R.Balasubramanian: Member:(A), CAT, Hyderabad.
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not to recommend the applicant for promotion. We, therefore, quash the order No.PIR/0212/TSS dated 25.2.1988 (A7).

6. It is seen from the D.P.C. proceedings of 24.2.1988 that the applicant is ^{already} a senior foreman. We direct the respondents to treat the applicant as having been promoted against the vacancy of 1980 with all consequential benefits like pay fixation and seniority. Arrears of pay and allowances being the difference between those applicable to senior foreman and those applicable to foreman need not however be paid to him till the date on which he was promoted as Senior Foreman. Arrears from the date he became Senior Foreman, consequent to revision of pay due to his promotion against the 1980 vacancy is payable to him. This should be paid to him with ^{receipt of} three months of the date of this Judgment.

7. The application is accordingly allowed. There is no order as to costs.

(J. NARASIMHA MURTHY)
Member (Judl.)

(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 5th June, 1990.

For Deputy Registrar (J)