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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.298/92.

Date of Judgement 27/5 Oct 1992.

V.H.Iyer

.. Applicant

Vs.

1. Union of India,
Rep. by its Secretary,
Min. of Defence,
Dept. of Defence Production,
New Delhi.
2. Chairman & DGOF,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta-700001.
3. The General Manager,
Ordnance Factory Project,
Yeddumailaram,
Medak District (AP). .. Respondents

Counsel for the Applicant : Shri P.Naveen Rao

Counsel for the Respondents : Shri N.V. Ramana
Addl. CGSC

CORAM:

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

Hon'ble Shri C.J.Roy : Member(J)

[Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)]

This application seeks quashing the letter No.381/A/G dt. 6.1.92 of the 2nd respondent and a direction to promote the applicant to Junior Administrative Grade (J.A.G. for short Non-functional (N.F. for short) w.e.f. 1.10.91 with all consequential benefits.

2. At the relevant time the applicant was working in the J.A.G. to which he was promoted in 1984. He is eligible to be promoted to the next higher stage of J.A.G.(N.F.). In October 1991 Respondent No.2 issued orders promoting 163 officers from J.A.G. to J.A.G.(N.F.). The applicant is aggrieved that against the rule which required promotion to be made according to seniority based on suitability, he was overlooked and

To

1. The Secretary, Union of India,
Ministry of Defence,
Dept. of Defence Production, New Delhi.
2. The Chairman & DGOF,
Ordnance Factory Board,
10-A, Auckland Road, Calcutta-1.
3. The General Manager,
Ordnance Factory Project, Yeddumailaram,
Medak Dist (A.P.)
4. One copy to Mr.P.Naveen Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

pvm

*2/2/54
P.V.M.*

many juniors were promoted. It is his case that two adverse entries in 1988-89 and 1989-90 which were contested unsuccessfully, have overweighed his overall performance resulting in his being dropped in the promotion. The applicant's representation was rejected through the impugned letter of 6.1.92 and hence this O.A.

3. The respondents oppose the O.A. and have filed a counter. It is their case that since the Screening Committee, set up under the rules for recommending persons for promotion, did not recommend his name, he was not promoted.

4. The applicant has filed a rejoinder which does not indicate anything more, relating to the issue, than the affidavit

5. We have heard both sides and examined the case including the official records relating to the promotion. The Screening Committee which met on 30.4.91 considered the case of the applicant among several other officers. They, however, did not recommend 10 names, many of them senior to the applicant, on the basis of their records of service. So long as the adverse entries are not expunged and remain, the Screening Committee could not ignore the same. By the picture of overall performance they got, they did not recommend his name. Unless the court perceives any malafides or arbitrariness in the action of the respondents, the court cannot interfere and we dismiss the O.A. with no order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member (A).

C. J. Roy
(C. J. Roy)
Member (J).

Dated: 27th October, 1992.

S 20/11/92
Deputy Registrar (J)

20/10/92

(3)

TYPED BY _____ COMPARED BY _____
CHECKED BY 18/11/92 APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND ✓

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND ✓

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 27-10-1992

ORDER/JUDGMENT:

R.A. /C.A. /M.A.No

in

O.A.No.

298/92

T.A.No.

(wp.No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

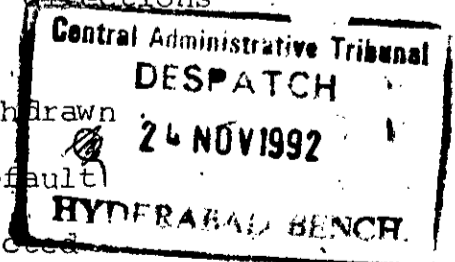
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.



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