

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.777/93

date of decision : 31-3-94

Between

V.Pallam Raju

: Applicant

and

1. Union of India, rep. by
The Secretary
Min. of Defence
New Delhi

2. Controller General of Defence Accounts
West Block V
Ramakrishna Puram
New Delhi 110 066

3. Controller of Defence Accounts
506, Anna Salai
Madras 600018

: Respondents

Counsel for the applicant

E G. Ramachandra Rao,
Advocate

Counsel for the respondents

: N.V. Raghava Reddy,
Addl. SC for Central Govt.

CORRM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMINISTRATION)



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noteworthy which should entitle an officer to recognition and suitable rewards in the matter ~~pxs~~ of promotion.

2.2.1 xxxx xxxx xxxx xx

3. Non-selection Method:

Where the promotion are to be made on 'non-selection' basis according to recruitment Rules, the DPC need not make a comparative assessment of the records of officers and it should categorise the officers as 'fit' or 'not ~~fix~~ yet fit' for promotion on the basis of assessment of their record of service. While considering an officer 'fit', guidelines in para 2.1.4. should be borne in mind. The officers categorised as 'fit' should be placed in the panel in the order of their seniority in the grade from which promotions are to be made."

6. It is manifest from the above that even in case of promotion on non-selection method, guidelines in para 2.1.4. of the OM dated 10.3.1989 ^{has} to be looked into. It is conceded for the respondents that the assessment as per the Annual Confidential

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of his juniors were promoted, ~~as~~ this OA was filed for the relief referred to supra.

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5. It is ~~contended~~ inter-alia for the respondents that the applicant was not considered fit as his performance was average for four years and good for ~~in respect to the relevant five years~~ only one year. It is contended for the respondents that the DPC did not find him fit as his performance was good for only one out of five years by relying upon Para 3 read with Para 2.1.4 of the OM No. F.22011/5/86-Estt.II, dated 10.3.1989. It is urged for the applicant that if the assessment of the performance for any year which is treated as average has to be considered as adverse for promotion of the employee, ~~as~~ the same has to be communicated and when it is not communicated, the same cannot be looked into for holding that the employee is unfit for promotion. Paras 2.1.4 and 3 of the OM dated 10.3.1989 read as under:-

"2.1.4. Government also desires to clear the misconception about "Average" performance. While "Average" may not be taken as an adverse remark in respect of an officer, at the same time, it cannot be regarded as complimentary to the officer, as "Average" performance should be regarded as routine and undistinguished. It is only performance that is above average and performance that is really

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9. Office has to place this order and records
before the Hon'ble Chairman, C.A.T.

CERTIFIED TO BE TRUE COPY

[Signature]
Date..... 13/4/94
Court Officer
Central Administrative Tribunal
Hyderabad Benb
Hyderabad

To

1. The Secretary, Union of India, Min. of Defence,
New Delhi.
2. The Controller General of Defence Accounts
West Block B Ramakrishna Puram, New Delhi-66.
3. Controller of Defence Accounts 506,
Anna Salai, Madras-18.
4. One copy to Mr.G.RamchandraRao, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Raghava Reddy, Addl.CCSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

Case Number: 02-777/93
Date of Judg: 31/3/94
Copy issued: 2-7-94
[Signature]