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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1218/96.

Date of order : 27.11.1996,

Between

P.V. Ramana Murthy

.. Applicant

And

1. Union of India, Reptd. by its
Secretary, Dept. of Science &
Technology, Technology Bhavan,
New Mehrauli Road,
New Delhi-110016.

2. Surveyor General of India,
Survey of India, P.B.No.37,
Hathibarkara Estate, Dehradun,
Uttar Pradesh-248001.

3. The Director,
Survey Training Institute,
Uppal, Hyderabad. .. Respondents

Counsel for the Applicant .. Shri P.B.Vijaya Kumar

Counsel for the Respondents .. Shri V.Vinod Kumar, CGSC

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The grievance of the applicant is that although otherwise eligible and at appropriate place in the seniority list he has not been promoted as Head Clerk from U.D.C. The letter of the Director, Survey of India dated 9.9.96 is impugned. By that letter the applicant was informed that his name was considered by the D.P.C. held in July, 1996 but he was found "not yet fit for promotion to the grade of Head Clerk. The applicant contends that the refusal of the 2nd respondent to consider him suitable for promotion is illegal and arbitrary. It is submitted that no adverse remarks were communicated to him and therefore assessment of the service record by the D.P.C. does not appear to be fair. He, therefore, prays for setting aside the order and to direct the respondents to promote him

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with effect from the date on which his juniors were promoted with all consequential and attendant benefits. Shri P.B. Vijaya Kumar, learned counsel for the applicant urged the above submissions.

2. Shri V. Vinod Kumar, CGSC for the respondents in pursuance of the directions given on 23.10.96 has produced before us copies of certain records. First is O&M Inspection, 1995 dated 22.4.96 issued by the Superintending Surveyor. It is addressed to the applicant. It mentions 5 items of irregularities committed by the applicant and the applicant was advised to take action to rectify the irregularities and submit completion report on or before 24.5.96. The second document is again addressed to the applicant and is dated 12.5.95 wherein the applicant was informed that the points mentioned therein were still pending completion and he was advised to do so and submit report by 25.5.95. As many as 13 items of irregularities have been enumerated in the letter. This letter was also addressed to the applicant. The next document is a copy of the observations of the Deputy Surveyor General sent to the applicant informing him the items mentioned therein - 7 in number - which required immediate necessary action on his part. The next document is a letter issued to the applicant by the Deputy Surveyor General informing him that he had failed to explain the circumstances under which he could not complete the auxiliary cash book dated 13.5.96 and despite instructions to do so he proceeded on E.L. on 20.5.96 and he also did not submit the completion of O&M Inspection Reports of 1994 and 1995 pertaining to the points relating to his duties which indicated indifferent attitude and lack of responsibility. He was therefore advised to correct himself and show improvement in his work. If we look to the impugned letter in the aforesaid background it is not possible to infer that the D.P.C. had acted arbitrarily



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or unreasonably in finding the applicant not yet fit for promotion in September, 1996. There can be no dispute on the point that suitability is one of the considerations and with the aforesaid background it was open to the D.P.C. to form its own opinion in respect of the applicant about that point. Shri P.B.Vijaya Kumar, learned counsel for the applicant submitted that the applicant did not instruct him in respect of the aforesaid letters that were served upon him. Promotion is not a matter of right. Since the D.P.C. took a particular view ^{and} it does not appear to be arbitrary or unreasonable. ^{it} It is not open to us to travel behind the objective assessment made by the D.P.C.

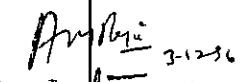
3. Shri V.Vinod Kumar, learned CGSC for the respondents submitted that the record produced is sufficient to justify the impugned order. Thus we find no merit in this application and the same is summarily rejected.


(H. Rajendra Prasad)
Member(A).


(M.G. Chaudhari)
Vice-Chairman.

Dated: 27.11.1996.
Dictated in Open Court,

br.


Deputy Registrar (O) &c.

O.A.1218/96.

To

1. The Secretary, Dept.of Science and Technology,
Union of India, Technology Bhavan,
New Mehrauli Road, New Delhi-16.
2. The Surveyor General of India,
Survey of India, P.B.No. 37, Hathibarkara Estate,
Dehradun, Uttar Pradesh-1.
3. The Director, Survey Training Institute,
Uppal, Hyderabad.
4. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
5. One copy to Mr.V.Vinod Kumar, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 27-11-1996

~~ORDER~~ / JUEGMENT

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

in

O.A.No. 1218/96

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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