

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

..

O.A.No.871/96.

Date of decision: October 16, 1997.

Between:

A. Ramanuja Rao.

..

.. Applicant

And

1. The Controller General of Defence
Accounts West Block-V, R.K.Puram,
New Delhi 110 066.

2. The Additional Controller General of
Defence Accounts (Inspection) Office of
the CGDA, R.K.Puram, New Delhi. Respondents.

Counsel for the applicant: M^s. C. Jaya Shree Sarathy.

Counsel for the respondents: Sri V. Rajeswara Rao.

CORAM:

HON'BLE SHRI R. RANGARAJAN, Member (A)

HON'BLE SHRI B.S. JAI PARAMESHWAR, Member (J).

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O.A.No.871/96.

(per Hon'ble Sri R. Rangarajan, Member (A))

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Heard Sri Suryanarayana Sastry for Ms. Jayashree Sarathy for the applicant and Sri V.Rajeswara Rao, for the respondents.

The applicant is a Group "B" Officer, (Senior Accounts Officer, Office of PAO (ORS) EME, Secunderabad). He has to be elevated to Group "A" Service but he was not elevated to Group "A" Service. He filed O.A.1015/95 on the file of this Bench for expunging the adverse remarks in the A.C.R. of 1992-93 i.e., the word "Average". The Tribunal allowed the O.A., directing the respondents to dispose of the applicant's representation with reference to the adverse remarks of the usage of the word "Average" in the A.C.R of 1992-93. The said adverse remark was expunged as per communication dated 12-9-1995. He was also issued with another adverse remark in the A.C.R. of 1994-95 against which the applicant made a representation on 29-9-1995 for expunging the adverse remarks. That adverse remark was also expunged by Memorandum No. AN/89/A, Secunderabad dated 8-12-1995. The applicant submits that he made a representation to the 1st respondent on 13-3-1996 claiming his right for promotion and requesting to reopen his case and promote him retrospectively. The applicant submits that

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in April, 1993, number of his juniors were promoted.

His grievance appears to be that after expunging of the adverse remarks he is fully eligible for promotion to Group "A" Cadre and it was not given to him. Hence he has approached this Tribunal by filing this O.A.

This O.A., is filed praying for a direction to the respondent No.1 to forthwith promote him from the post of S.A.O. (Group "B") to Junior Time Scale, Indian Defence Administrative Service (Group "A") retrospectively with effect from April, 1993 with consequential benefits.

A reply has been filed by the respondents in this O.A. In the relevant portion of the reply it is seen that the applicant did not submit any representation against the adverse remarks of the year 1992-93 till 10-11-1993. The DPC was held on 21/22 Oct. 1993. So the DPC had no intimation about the representation. The selection to the post of JTS of the IDAS would not depend only on ^a particular year's of CR of any employee. The CRs of preceding 5 years should be taken into consideration by DPC. For the DPC held on 6/7 June, 1996, the case of the applicant was considered by treating the ACRs of the

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applicant for the year 1992-93 and 1994-95 as clear reports as the adverse remarks against the applicant for the above years were expunged by the Competent Authority on 11-8-1995 and 27-10-1995 respectively. Even then the applicant was adjudged as average/good in the ACR on the overall assessment and he was thus, far below the gradings of the officers recommended for empanelment by the DPC. In para 7 of the reply of the respondents, they have also indicated the gradings given to the applicant from the years 1985-86 to 1994-95. It is seen from the gradings from 1985-86 to the 1993-94, the applicant was given grading "Average" and in 1994-95 he was given the grading "Good". The officers who were empanelled earned the grading "Outstanding" during the preceding five years and hence the applicant could not be empanelled due to his comparatively lower gradings.

The case of the applicant is that he was overlooked even after expunging of the adverse remarks. The Appondents submit that the applicant has not made out any case for considering him for promotion to Group "A" Service.

The applicant has not filed any rejoinder to the reply of the respondents especially to the

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Gradings indicated by the respondents. The applicant was assessed only after expunging of the remarks in 1995.

No representation from the applicant for expunging the ^{was submitted}

adverse remarks for the year 1992-93/till the DPC., met on 21/22.10-93

The gradings given by the DPC., cannot be interfered by the

Tribunal as the Members of the DPC., are very senior

officers of the Department. Unless mala fides or

violation of statutory rules are pointed out, the

Tribunal cannot sit on judgment on the Gradings

awarded to the applicant by the DPC. As the applicant

has been graded as "Average/Good" in the ACRs., and

those who were empanelled to Group "A" Service were

graded as "Outstanding", the applicant cannot ask for

promotion to Group "A" Service. Hence, we do not

see any irregularity much less illegality in not empanelling

the applicant for Group "A" Service in I.D.A.S.

In view of the foregoing discussion,

we find no merit in this O.A. The O.A., is dismissed.

No costs.

B.S. JAI PARAMESHWAR,
MEMBER (J)

16.10.97

R. RANGARAJAN,
MEMBER (A)

Date: October 16, 1997.

Dictated in open Court.

SSS.

Handwritten signature: D. R. Menon

DA.871/96

1. The Controller General of Defence Accounts West Block-V,
R.K.Puram, New Delhi.
2. The Additional Controller General of Defence Accounts
(Inspection) Office of the CGDA, R.K. Puram, New Delhi.
3. One copy to Mr. C.Jaya Shree Sarathy, Advocate, CAT., Hyd.
4. One copy to Mr. V.Rajeswara Rao, Addl.CGSC, CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One copy duplicate.

srr

27/10/97
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 16-10-97

ORDER/JUDGMENT

~~M.A./R.A./C.A. NO.~~

in

O.A. NO. 871/96

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

