

50

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

Between:

Smt. K.Jayanthi

And

OA.1485/97

Dated: 9.1.1998

.. Applicant.

1. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Nagar Road,
Calcutta.
2. The Deputy Director General,
Geological Survey of India,
Southern Regional Office,
G.S.I.Complex, Bandlaguda,
Hyderabad.
3. The Regional Administrative
Officer, Geological Survey of
India, Southern Region, GSI
Complex, Bandlagguda, Hyderabad. .. Respondents.

Counsel for the applicant : Mr. V.Venkateswara Rao

Counsel for the respondents : Mr. K.Ramulu

CORAM:

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

None for the applicant. Mr. Srinivasa Rao for
Mr. K. Ramulu for Respondents.

We have already given order to produce selection
proceedings. The same are not produced. Hence list this
OA. for Judgement on 3.2.1998. On that day all the records
should be produced, including the C.R. of the applicant.

D. R.
Deputy Registrar (J)

DA.1485/97

Copy to :-

1. The Director General, Geological Survey of India, 27, Jawaharlal Nehru Nagar Road, Calcutta.
2. The Deputy Director General, Geological Survey of India, Southern Regional Office, G.S.I. Complex, Bandlaguda, Hyderabad.
3. The Regional Administrative Officer, Geological Survey of India, Southern Region, GSI Complex, Bandlaguda, Hyderabad.
4. One copy to Mr. V. Venkateswara Rao, Advocate, CAT., Hyd.
5. One copy to Mr. K. Ramulu, Addl. CGSC., CAT., Hyd.
6. One duplicate.

srr

TYPED BY
COMPARED BY

CHECKED
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 9/1/98

ORDER/JUDGMENT

M.A./R.M./C.W. NO.

in

C.W. NO. 1485 / 97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

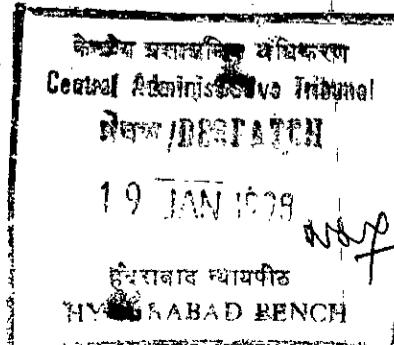
ORDERED/REJECTED

NO ORDER AS TO COSTS.

Post
Post to Justice
on 3-2-98

II COURT

YLKR



(53)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1485/97

DATE OF ORDER : 18-02-1998.

Between :-

Smt.K.Jayanthi

... Applicant

And

1. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Nagar Road,
Calcutta - 700 016.
2. The Dy.Director General,
Geological Survey of India,
Southern Regional Office,
G.S.I.Complex, Bandlaguda,
Hyderabad-500 068.
3. The Regional Administrative
Officer, Geological Survey of
India, Southern Region, GSI
Complex, Bandlaguda, Hyderabad.

... Respondents

-- -- --

Counsel for the Applicant : Shri V.Venkateshwar Rao

Counsel for the Respondents : Shri K.Ramulu, CGSC

-- -- --

CORAM:

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

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

-- -- --



... 2.

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

-- -- --

Heard Sri V.Venkateshwar Rao, counsel for the applicant and Ms.Shyama for Sri K.Ramulu, standing counsel for the respondents.

2. The applicant is joined as Lower Division Clerk under the respondents organisation on 3.3.76 by direct recruitment. She was promoted to the post of UDC with effect from 1.8.85 on the basis of the Departmental Examination. Her next promotion is to the post of Assistant. The applicant was considered by the Departmental Promotion Committee for promotion to the post of Assistant and rejection^{ed} for promotion.

3. This O.A. is filed to quash the memo No.210/A-28015/5/97 dt.29-4-97 (Annexure-II to the OA) whereby certain adverse remarks were communicated to her were entered in the Confidential Report for the year 1996 and Memo No.313/A-28015/5/97 dt.30-5-97 (Annexure-XIV the reviewing official viz., to the OA) which was confirmed by/Respondent No.2 herein by holding the same as arbitrary and unconstitutional and without jurisdiction and for a consequential direction to promote her to the post of Assistant with effect from 1-10-97 i.e. the date on which her immediate junior was promoted to the said post with all consequential benefits such as seniority, arrears of pay and allowances etc.,.

4. When the OA was taken up for hearing, the learned counsel for the applicant submitted that he is not pressing for quashing the impugned memo dt.29-4-97 and 30-5-97 as the applicant had already submitted her appeal to Respondent No.1 on 6-6-97 (Annexure-V to the OA)

requesting him to expunge the adverse remarks entered in the Confidential Report for the year 1996 conveyed to her by the impugned orders. As that appeal is still pending, the learned counsel for the applicant submits that he will wait for the reply of respondent No.1 in this connection and take further action to challenge adverse remarks entered in the confidential report for the year 1996 if her appeal to Respondent No.1 is rejected.

5. However, the learned counsel for the applicant submits that the adverse remarks entered in the confidential report for the year 1996 were conveyed by letter dt.29-4-97 (Annexure-II to the OA), which were upheld by the reviewing authority on 9-5-97. In between i.e. three days after conveying the adverse remarks by letter dt.29-4-97, Departmental Promotion Committee met and rejected her case for promotion basing their decision only on the confidential report for the year 1996. The applicant was not given adequate time to represent her case to the accepting authority for expunging the adverse remarks by the Accepting Authority. Had the Departmental Promotion Committee met after her representation dt.6-6-97 was disposed of by Respondent No.1, then there was possibility for her to get promotion. In view of that, he requests that the applicant's case should be reconsidered by a review Departmental Promotion Committee after the representation dt.6-6-97 to Respondent No.1 is disposed of.

6. When this OA came up for admission hearing, respondents were instructed to produce the selection proceedings so as to see whether any injustice had been done to the applicant because of the adverse remarks entered in the confidential report of the year 1996.

The proceedings were produced today. I have perused the proceedings. The Departmental Promotion Committee consisting of the Director, the Regional Administrative Officer and the Scientist-C CGWB met on 1-5-97 and had drawn the DPC proceedings for the unreserved and reserved category of the staff for promotion to the post of Assistant. The case of the applicant was considered and rejected. The DPC proceedings though states that the performance of the officials concerned as recorded in the CRs were considered and on that basis the recommendations were made, the proceedings do not indicate the number of confidential reports considered and also the year of confidential report which was considered for giving their recommendations. When I questioned the standing counsel for the respondents about the number of confidential reports considered by the DPC, the standing counsel for the respondents submitted that only one confidential report for the year 1996 was considered and on that basis the proceedings were drawn. When I questioned again, the standing counsel for the respondents to show the rule that the Departmental Promotion Committee can decide the merit of the candidate for promotion based on a single confidential report, the learned counsel for the respondents states that she is not in a position to show any rule in that connection. Normally Departmental Promotion Committees consider either three or more than three confidential reports for the purpose of deciding the suitability of a candidate for promotion to a non selection post. Hence in my opinion deciding the promotion based on a single CR i.e. for the year 1996 in the present case may not be in accordance with the rule of Department of Personnel & Training. This point needs to be checked up so that future Departmental Promotion Committee

A

proceedings will be drawn in accordance with the rules.

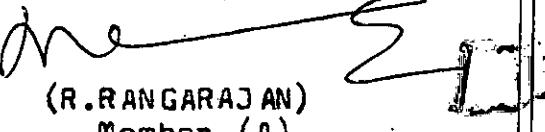
7. Further I find that the adverse remarks entered in the confidential report of the applicant for the year 1996 were communicated on 29-4-97 i.e. three days earlier to the meeting of the Departmental Promotion Committee for considering her case for promotion to the post of Assistant. Thus the applicant was not given any chance to represent her case to the higher authorities for expunging the adverse remarks. This itself is a negation of principle of natural justice. The applicant has submitted a representation to respondent No.1 on 6-6-97. It is stated that the representation referred to above is still pending. It is essential that Respondent No.1 should dispose of the representation suitably in accordance with the law early. After that only, her case for promotion should be considered by a Review Departmental Promotion Committee for reviewing the recommendations made already by the earlier Departmental Promotion Committee held on 2-5-97. If her case was recommended for promotion by review DPC and promoted on the basis of such recommendations, then she is entitled for all the consequential benefits in accordance with the law on par with her immediate junior who was promoted on the basis of the recommendations of the Departmental Promotion Committee which met on 2-5-97.

8. Time for compliance is three months from the date of receipt of a copy of this order. Original Application is disposed of

accordingly with the above direction at the admission stage itself.

No order as to costs.

(The confidential report and the Departmental Promotion Committee proceedings produced today were perused and returned back).


(R. RANGARAJAN)
Member (A)

Dated: 18th February, 1998.

Dictated in Open Court.

av1/


DR

..7..

Copy to:

1. The Director General, Geological Survey of India,
27, Jawaharlal Nehru Nagar Road, Calcutta.
2. The Dy. Director General, Geological Survey of India,
Southern Regional Office, G.S.I. Complex,
Bandlaguda, Hyderabad.
3. The Regional Administrative Officer, Geological Survey of
India, Southern Region, GSI Complex, Bandlaguda,
Hyderabad.
4. One copy to Mr. V. Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. K. Ramulu, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

62

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

Between:

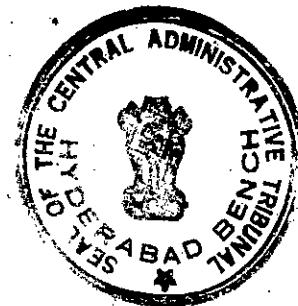
Smt. K. Jayanthi

04.1405/97 Dated: 9.1.1998

.. Applicant.

And

1. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Nagar Road,
Calcutta.
2. The Deputy Director General,
Geological Survey of India,
Southern Regional Office,
C.S.I. Complex, Bandlaguda,
Hyderabad.
3. The Regional Administrative
Officer, Geological Survey of
India, Southern Region, GSI
Complex, Bandlaguda, Hyderabad. Respondents.



Counsel for the applicant : Mr. U. Venkateswara Rao

Counsel for the respondents : Mr. K. Basulu

CMAA:

THE HON'BLE MR. J. RAJENDRAKUMAR : MEMBER (A)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

None for the applicant. Mr. Srinivasa Rao for
Mr. K. Basulu for Respondents.

We have already given order to produce all relevant
proceedings. The same are not produced. Hence list this
OA. for Judgement. that day all the records
should be produced, including the C.P. of the applicant.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Jan 12
काशीलाल अधिकारी उप रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रभाग संतिक अधिकारण
Central Administrative Tribunal
हैदराबाद न्यायपाल
HYDERABAD BENCH

sd/- x x
Deputy Registrar (3)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED: 18/2/98

ORDER/JUDGMENT

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

in

D. A. No. 1485 (97)

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

n LVJWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

~~DISMISSED AS WITHDRAWN~~

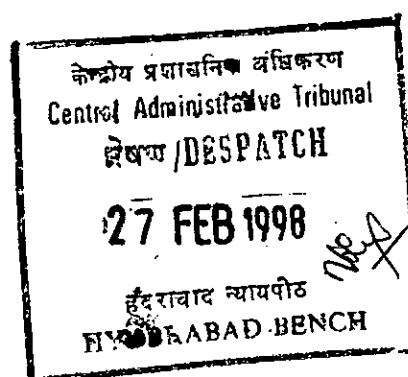
~~DISMISSED FOR DEFAULT~~

ORDERED X REJECTED

NO ORDER AS TO COSTS

II COURT

YIKR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

Between:
Smt. K. Jayanthi
And

No. 1485/97 Dated: 9.1.1998
.. Applicant.

1. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Nagar Road,
Calcutta.
2. The Deputy Director General,
Geological Survey of India,
Southern Regional Office,
C.S.I. Complex, Bandlaguda,
Hyderabad.
3. The Regional Administrative
Officer, Geological Survey of
India, Southern Region, C.S.I
Complex, Bandlaguda, Hyderabad. .. Respondents.



Counsel for the applicant : Mr. V. Venkateswara Rao

Counsel for the respondents : Mr. K. Ramulu

COURT:

THE HON'BL. MR. J. RANGARAJAN : REBELL (3)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

None for the applicant. Mr. Srinivasa Rao for
Mr. K. Ramulu for respondents.

We have already given order to produce selection
proceedings. The same are not produced. Hence list this
CA. for Judgement on 3.2.1998. On that day all the records
should be produced, including the C.R. of the applicant.

CERTIFIED TO BE TRUE COPY

Amulya
Court Clerk/Dy. Registrar
कार्ट क्लर्क/डाय. रजिस्ट्रेटर
Central Administrative Tribunal
५ अप्रैल १९९८
HYDERABAD BENCH

Sc/- x x
Deputy Registrar (3)