

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. No. 410/93

Dt. of order: ~~6-4-95~~

6-4-95 *Chikhlia*

6-4-95

6-4-95

Mahesh Chandra Verma

: Applicant

Vs.

Union of India & Ors. : Respondents

Applicant present in person.

Mr. V. S. Gurjar : Counsel for respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Judl.)

Hon'ble Mr. O. P. Sharma, Member (Adm.)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDL.).

Applicant Mahesh Chandra Verma in this application under Sec. 19 of the Administrative Tribunals Act, 1985, has prayed for a direction to the respondents to grant benefit of upgradation to him w.e.f. 30.11.'90 on the post of Higher Grade Technical Supervisor (Operative) in the pay scale Rs. 2000-3000 with all consequential monetary benefits including revised PPO and revised gratuity, etc.

2. We have heard the applicant in person and the learned counsel for the respondents, and have carefully gone through the records. The applicant was initially appointed as a Telephone Mechanic on 26.12.'55 vide Annexure A2. His services were confirmed vide order dated 30.5.'63. As per the scheme issued vide circular dated 16.10.'90 for Biennial cadre review (once in two years) Annexure A6, the officials who had completed 26 years of service in the basic grade had to be ascertained and they were to be screened by a duly constituted Review Committee to assess their performance and determine their suitability for advancement. But the applicant contended that he was not considered in the year 1990 in spite of the fact that he was the senior most Technical Supervisor Operative. It is also stated by him that 11 employees junior to him were provisionally upgraded as Higher Grade Technical Supervisor Operative and the denial of promotion to the applicant was illegal and against the provisions of this scheme.

*Chikhlia*

3. On the contrary, the respondents have stated that the seniority of any official/employee does not depend only on the length of service but also on the year of recruitment, marks secured by the employee in the training etc. It is also stated that the applicant's case was considered by the Screening Committee to determine the suitability for promotion under the BCR Scheme on purely ad hoc and interim basis but the applicant having been found unfit for promotion under the BCR Scheme even after completion of 26 years service ~~and~~ was not granted the benefit of upgradation. It is contended that the seniority was not the sole criterion for promotion under the said scheme. It is also stated that the applicant's averment to the effect that the promotions were given without screening his record is false. However, the record produced by the respondents in regard to this matter indicates that the benefit of upgradation was denied to the applicant under the BCR Scheme only due to the pendency of some disciplinary matter/proceedings against the applicant and not due to any other adverse material against him. The disciplinary proceedings against the applicant were however dropped vide order dated 22.12.92 (Annexure rejoinder-2) after the applicant's retirement from service on 30.4.92. Thus in fact there were no disciplinary proceedings ab initio against the applicant.

4. In the circumstances, we direct that a review DPC be convened within 6 months from the date of the receipt of a copy of this order by the respondents and the applicant's case for grant of the benefit of upgradation under the BCR Scheme be considered on merits excluding the record relating to disciplinary proceedings, and if the applicant <sup>is</sup> found suitable for such upgradation, the benefit of upgradation should be given to him from such date as is found to be appropriate in the circumstances of the case with all consequential benefits. This application is allowed accordingly with no order as to costs.

(O.P. Sharma)  
Member (A).

Copal Krishna  
(Copal Krishna)  
Member (J).