

A

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application Nos. 10 of 1995,
48 of 1997 and
and 78 of 1998.

Date of Order : This the 8th Day of February, 1999.

Justice Shri D.N. Baruah, Vice-Chairman,

Shri G.L. Sanglyine, Administrative Member.

Shri Raghunath Prasad,
Quarter No. 10 Type-V/G,
Lamphelpat, Imphal,
Manipur,
Pin 795004.

. . . Applicant

By Advocate Shri M. Deka in all cases.

- Versus -

Chairman, Union Public Service Commission,
and others.

. . . Respondents.

By Advocate Shri B.C. Pathak, Addl. C.G.S.C
for respondents No. 1 & 2 and Shri P. Bora,
Govt. Advocate, Manipur for respondent No. 3
in all the three cases.

O R D E R

BARUAH J. (V.C.)

All the above three Original Applications relate to the promotion of the applicant under the Indian Administrative Service (Appointment by Promotion) Regulation 1955. The contention of the applicant is that his case for promotion to IAS was considered with the adverse entries made in the year 1980-83. In spite of the adverse remarks had been erased by the order passed by Hon'ble Gauhati High Court in Civil Rule No. 231 of 1987 he was not promoted to IAS. In this connection the applicant also filed similar Original Applications No. 17(G) of 1990 and O.A. 131 of 1998 before this Tribunal. Both the above applications were disposed of by this Tribunal with the following observations :-

"We therefore, dispose of the application with direction to the respondents to hold the Review Selection Committee Meeting to consider the

7

case of the applicant without the adverse remarks entered in his ACRs during the period from 26.12.80 to 31.12.81, 1.4.81 to 31.3.82 and 26.12.82 to 31.3.83, if it has not already been held. If the Review DPC is held and the applicant's case is considered without any adverse remarks he shall be assessed and after assessment he would be put with other successful candidates as on those dates. This shall be done as early as possible at any rate within a period of 4 months from the date of receipt of this order. Mr. P. Bora has informed us that the applicant has been recommended for selection for the year 1998. If that is so, this order will not stand in the way in appointing him."

2. Heard Mr. M.Deka, learned counsel appearing on behalf of the applicant, Mr. B.C. Pathak, learned Addl. C.G.S.C. for respondent Nos. 1 and 2 and Mr. P.Bora, learned Government Advocate, Manipur for respondent No.3. The present applications relate to the year 1989 to 1994 and 1997. The claim of the applicant is similar to the earlier applications. Therefore, we dispose of these applications also with direction to the respondents that if the Review Selection Committee finds that the applicant was eligible for promotion on earlier date, then the present applications have become infructuous, else, if he was not successful in the earlier period the case of the applicant may be considered for the period mentioned in the present applications without taking into consideration the adverse remarks.

With the above observations the applications are disposed of. Considering the facts and circumstances of the case we, however, make no order as to costs.

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (ADMN)