

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 90/07.....

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SECTION OFFICER (Judl.)

Shah
26/9/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No. 80/07
2. Miscellaneous Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Sub Annada Das VS Union of India & Ors

Advocate for the Applicant(s) Adil Ahmed
U.S. Bhattacharyya

Advocate for the Respondent(s) for case. G. Baishya

Notes of the Registry	Date	Order of the Tribunal
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The application is in order.
is filed in P. for Rs. 0/-
deposited with the Registry
No. 346652234
Dated 18.3.07

Dy. Registrar

Steps not taken

26/3/07

27.3.07. The grievance of the applicant is that he has been appointed as Lower Division Clerk (LDC) in the year 1993. The Seniority list has been prepared by the Ministry of External Affairs, Government of India on 03.03.2003. The name of the applicant appeared in the Serial No.16 of the said list. The Government of India held a DPC Meeting for consideration of Promotion of LDC Grade-VII to the post of UDC Grade-VI. But in the Select List of UDC Grade-VI the applicant's name did not appear in the Select List. The applicant has filed Representations dated 16.3.2004 and 05.05.2004 before the Respondents. But the Respondents have rejected the representations. The DPC Meeting was held for consideration of

Contd/-

27.3.07.

promotion of LDC to the post of UDC. In the said select list the name of the applicant did not recommend. Being aggrieved the applicant has filed this O.A.

OA 30/07

27.3.07

Steps taken
for Private Respondents

Notice & order sent
to D/Section for
issuing to resp.
nos 1 to 9 by regd.
A/D post.

D/No- 385 to 393

10/4/07. Dt= 11/4/07.

① Service report
awaited.

2m
10.5.07

No Wb has been
billed.

2m
5.6.07.

No Wb billed.

2m
27.6.07.

figure in the list. The Respondent No.2 informed the applicant that her case was considered by the DPC Meeting but she was not recommended for promotion. Being aggrieved the applicant has filed this O.A.

I have heard Mr. A Ahmed learned counsel for the applicant and Mr. G. Baishya, learned Sr.C.G.S.C. for the Respondents. When the matter came up for hearing the learned counsel for the Respondents has submitted that he would like to take instructions. Let it be done.

Issue notice on the Respondents. Post the matter on 11.5.07. The applicant will take process for the private respondents.

Vice-Chairman

11.5.07.

At the request of learned counsel for the respondents four weeks time is granted to file written statement. Post the matter on 6.6.07.

Vice-Chairman

1m

06.06.07.

At the request of learned counsel for the respondents three weeks time is granted to the counsel for the respondents to file written statement. Post the matter on 28.6.07.

Vice-Chairman

1m

FORM No. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

1. Original Application No. 80 of 07
 2. Misc. Petition No.
 3. Contempt Petition No.
 4. Review Application No.
- Applicant(s) Smti. Annada Das
Respondent(s) Union of India & Ors.
Advocate for the Applicant(s) Mr. A. Ahmed, Ms. S. Bhattacharjee
Advocate for the Respondent(s) Mr. C. G. S. C. G. Baisya

Notes of the Registry	Date	Order of the Tribunal
	27.3.07	<p>The applicant was appointed as Lower Division Clerk (LDC) in the year 1993. The Ministry of External Affairs, Government of India on 03.03.2003 prepared a Seniority list, wherein the name of the applicant appeared at Serial No.16. The Government of India held a DPC Meeting for considering Promotion of LDC Grade-VII to the post of UDC Grade-VI. But in the Select List of UDC Grade-VI the applicant's name did not appear. The applicant has filed Representations on 16.3.2004 and 05.05.2004 before the Respondents. But the Respondents have rejected the representations. Another select list was published subsequently wherein the applicant figured at Sl.No.12. On 9.12.2006 select list was published but the name of the applicant did not</p> <p>Contd/-</p>

Notes of the Registry	Date	Order of the Tribunal
<p>27-7-07</p> <p>no W/S filed so far</p> <p>1 on</p>	<p>28.06.2007</p> <p>/bb/</p>	<p>Mr.G.Baishya, learned Sr.C.G.S.C. is granted further four weeks time to file reply statement.</p> <p>Let the case be posted on 30.7.2007.</p> <p>Vice-Chairman</p>
<p>W/S not filed.</p> <p>28.8.07.</p>	<p>30.7.07..</p> <p>01.10.07</p>	<p>Counsel for the respondents wanted time to file written statement. Let it be done.</p> <p>Post the matter on 29.8.07 Mr. G. Baishya, learned Sr. Standing Counsel for the Central Government, call this matter on 13.11.07 awaiting reply. Despite several adjournments already been granted no reply has been filed as yet.</p>
<p>W/S not filed.</p> <p>28.9.07</p> <p>W/S not filed.</p> <p>12.11.07.</p>	<p>29.8.07</p> <p>Pg</p>	<p>Send copies of the order to all the Respondents in the address given in the Original Application, 10.07 for order.</p> <p>Vice-Chairman</p>

01.10.07. Mr .S. K. Singha, learned counsel appearing for Respondents No. 2 & 3 seeks more time to file reply statement. Prayer is allowed. Call this matter on 12.11.07, awaiting reply. Mrs. Manjula Das, Advocate, has filed written statement on behalf of the Respondents No.5 and undertakes to file reply on behalf of the Respondent No.4 during the course of the day. Mrs. Manjula Das, Advocate, should send the copies of the written statement for both the counsel appearing for the parties.

(Khushiram)
Member(A)

(Manoranjan Mahanty)
Vice-Chairman

Lm

01.10.07.

Mr.Abdul Khaleque, learned

counsel for the applicant and

01.10.07

01.10.07 On the request of Mr. G. Baishya, learned Sr. Standing Counsel for the Central Government, call this matter on 13.11.07 awaiting reply. Despite several adjournments, ~~that~~ has already been granted, no reply has been filed as yet.

Send copies of the order to all the Respondents, in the address given in the Original Application.

(Khushiram)
Member(A)

(Manoranjan Mahanty)
Vice-Chairman

Dt. 1.10.07.

Pl. send order copies.

lm

13.11.07.

Despite several adjournments, no Written Statement has been filed by the Respondents in this case as yet. Mr.G.Baishya, learned Sr. Standing Counsel for the Union of India, seeks four weeks further time to file Written Statement.

Call this matter on 13.12.2007, awaiting reply from the Respondents.

Send copies of this order to the Respondents.

(M.R.Mohanty)
Vice-Chairman

Dt. 13.11.07.

Pl. send order copies to the Respondents.

Lm

13.12.2007

No written statement has been filed in this case as yet. Mr.G.Baishya, learned Sr. Standing counsel for the Union of India seeks more time to file written statement.

Call this matter on 15.01.2008 awaiting written statement from the Respondents.

(Gautam Ray)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

order dt. 1/10/07 sent to D/Section for issuing to resp. no. 1 to 9 by post.

3/12/07. D/No-1129 to 1137
D/- 30/10/07.

Wks not biled.

12.11.07.

order dt. 13/11/07 sent to D/Section for issuing to resp. nos. 1 to 9 by ~~regd~~ post.

21/11/07. D/No-1559 to 1569
D/- 26/11/07.

Wks not biled.

12.12.07.

O.A. 80/07

W/S not filed

11.1.08

15.01.2008 No written statement has yet been filed in this case, despite 9 adjournments granted within last 10 months.

Respondents are hereby called up to cause production of the file of the DPC that was held on 06.02.2004 and 05.10.2006 to select Grade-VII LDCs for promotion to the rank of Grade-VI UDC posts of CPO. The Respondents should produce those records by the next date.

Call this matter on 26.2.2008.

Send copies of this order to all the Respondents in the address given in the O.A and also to Mr G.Baishya, learned Sr. standing counsel for the Union of India.

Copy of this order be also supplied to Mr A. Ahmed, learned counsel appearing for the Applicant; who should produce the relevant rules under which the Applicant wanted a consideration for promotion.

DI. 15.1.08.

P.L. Send copies of this order to all the Respondents and also to Mr. G. Baishya, Ld. Sr. S.C.

11/1/08

Order dt. 15/01/08 sent to D/Section for issuing to all the respondents and also Mr. G. Baishya, Sr. C.G.S.C., Mr. A. Ahmed, Advocate.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

16/01/08. D/No- 229 to 239
Dt- 18.1.08 PG

Copy received on
17.1.08.

Bhaskar Das
Advocate
26.02.2008

for Mr G. Baishya
Sr. C.G.S.C.

Mr.A.Ahmed, learned counsel appearing for the Applicant is present. Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents filed written statement. The counsel for the Applicant wants to file rejoinder.

Call this matter on 25.03.2008, awaiting rejoinder from the Applicant.

15.2.08
W/S filed by the Respondents, undertaking given for Service copy.

Ap.

W/S filed.

lm

25.2.08

(Khushiram)
Member(A)

Notes of Registry

Date

Order of the Tribunal

May kindly be seen at flag 'A'

25/03.2008

A letter No. 26/CPC/4/07 dated 7.3.08 received from Regional passport office, Bangalore, regarding O.A No. 80/2007 (Smt Annada Das - Vs - U.O. I 9015) which will speak itself.

Laid before the Court for orders.

S.O.C.

Pro.
14/3/08

Rejoinder not filed.

ms
24.3.08.

A memo from K. Rajeev Anand, UDC, Regional Passport Office, Bangalore (apparently Respondent No.7) received through the Regional Passport Officer at Bangalore; wherein it is disclosed that he had already replied on 22.11.07 in the subject matter. No such reply is available on record. Said Respondent No.7 to immediately take steps to furnish his reply in the matter by the next date.

Notice in this matter was sent to all the Respondents by Registered Post with A/D on 11.04.2007. Notices were sent to the private Respondents No.5 to 8 through the Deputy Secretary (PV) of Government of India in the Ministry of External Affairs, CPV Division (Cadre Cell-II) New Delhi-1. The said Deputy Secretary ought to have supplied the notices and the copy of the O.A to the concerned private Respondents. It appears from the memo dated 5.03.08 of aforesaid K. Rajeev Anand that a copy of the Original Application has not yet reached him. It is for him to collect the same from the Deputy Secretary (PV), Ministry of External Affairs, CPV Division (Cadre Cell-II) New Delhi-1; who should also take steps to furnish the copies of this O.A to all the aforesaid private Respondents No.5 to 8 well before the next date.

Mr A. Ahmed, learned counsel for the Applicant is directed to furnish a copy of the Original Application to the Registry of this Tribunal for onward transmission to the private Respondents No.7. He should

25.03.08

furnish the copy by tomorrow i.e. 26.03.2008.

Notice & order send to D/Section for issuing to R-7 by regd. A/D post and copies of this order issuing to all the respondents.

D/No- 1470 to 1478

26/3/08 Dt. 28/3/08.

D/No-1463 dt-27/3/08.

order received.
27/3/08
(Applicant)

Wks filed.

pg

8.05.08.

09.05.2008

Heard Mr.A.Ahmed, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Union of India.

For the reasons recorded separately, the O.A. is dismissed without being admitted. No costs.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

forward copy
to the
28.05.08

forwarded by
20/06/08

10.6.08
copy of the order
sent to the D/Sec.
for issuing to the
respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A. 80 of 2007

Date of order: the 9th May, 2008

Smti Annanda Das

Applicant

By Advocate: Mr. A.Ahmed

Versus

The Union of India & others

Respondents

By Advocates Mr. G.Baishya, Senior C.G.S.C

CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
The Hon'ble Shri Khushiram, Member [A]

1. Whether reporters of local newspapers may be allowed to see the judgment or not? Yes/No. ☒
2. Whether to be referred to the Reporters or not ? yes ☒
3. Whether to be forwarded for including in the Digest being compiled at Jodhpur Bench and other Benches ? Yes/No ☒
4. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No ☒


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 80 of 2007

Guwahati, this the 9th May, 2008

CORAM: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman
The Hon'ble Mr. Khushiram, Member [Administrative]

Smti Annada Das
Wife of Late Maheswar Das
Lower Division Clerk
Regional Passport Office
Rani Bagan
Basistha Road
3rd Bye Lane
Guwahati-781 028
Assam.

Applicant

By Advocate Mr. A. Ahmed

Versus

1. The Union of India,
Represented by the Secretary to the
Government of India
Ministry of External Affairs
New Delhi-1.
2. The Deputy Secretary [PV]
Government of India
Ministry of External Affairs
CPV Division [Cadre Cell-II]
New Delhi-1.
3. The Under Secretary [PVA]
Ministry of External Affairs
Government of India
Patiala House Annexe
New Delhi.
4. The Regional Passport Officer
Rani Bagan, Basistha Road
3rd Bye Lane
Guwahati-781 028
5. Kum X A T V Jyothi
Upper Division Clerk [UDC] Grade-VI
Central Passport Organization
C/o The Deputy Secretary[PV]
Government of India
Ministry of External Affairs



CPV Division [Cadre Cell-II]
New Delhi-1.

6. Kum N G Usha
Upper Division Clerk [UDC] Grade-VI
Central Passport Organization
C/o The Deputy Secretary [PV]
Government of India
Ministry of External Affairs
CPV Division [Cadre Cell-II]
New Delhi-1.
7. Shri K. Rajeev Anand
Upper Division Clerk [UDC] Grade-VI
Central Passport Organization
C/o The Deputy Secretary [PV]
Government of India
Ministry of External Affairs
CPV Division [Cadre Cell-II]
New Delhi-1.
8. Kum K S Vani
Upper Division Clerk [UDC] Grade-VI
Central Passport Organization
C/o The Deputy Secretary [PV]
Government of India
Ministry of External Affairs
CPV Division [Cadre Cell-II]
New Delhi-1.
9. Shri Amal C Biswas
Upper Division Clerk [UDC] Grade-VI
Regional Passport Office
Rani Bagan,
Basistha Road
3rd Bye Lane
Guwahati-781028.

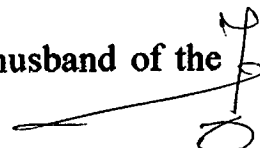
Respondents

By Advocate Mr. G. Baishya, Sr. C.G.S.C.

ORDER[ORAL]
[09.05.2008]

MANORANJAN MOHANTY, VICE-CHAIRMAN:-

While working as a Lower Division Clerk [LDC] in the Office of the
Regional Passport Office at Guwahati; Maheswar Das, the husband of the



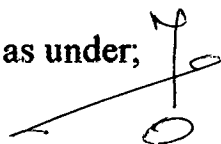
present Applicant, expired prematurely on 12.08.1993. On compassionate grounds, the Applicant was provided with the employment as an LDC [vide Order No.V.VI/578/207/93 Dated 04.11.1993] and, being posted as such at Regional Passport Office/Guwahati [vide No.Pass/Gav/21/93 Dated 12.11.1993 of RPO/GUW] she joined there as an LDC on 14.11.1993.

In the gradation/seniority list [as on 03.03.2003] of LDCs [Grade VII] of different offices of Passport Organization [that was put to circulation on 17.03.2003] the name of the Applicant appeared at Sl.No.16.

It has been alleged by the Applicant that a DPC [constituted at CPV Division of the Ministry of External Affairs of Govt. of India] held on 26.02.2004 for consideration of LDCs[Grade VII] to grant them promotion as UDCs [Grade VI] and, on the basis of the views expressed by the said DPC Dated 26.02.2004, the Ministry issued select list of LDCs on 01.03.2004 and on 04.03.2004 for grant of promotion as UDCs; but her name did not find place in the said lists, although names of her juniors/Respondent Nos. 5 to 9 found place therein. It has been alleged by the Applicant that although the Respondent Nos. 5 to 9 were shown juniors to the Applicant in the gradation/seniority list dated 17.03.2003, they were granted promotions as UDC on 04.03.2004.

Being aggrieved, the Applicant submitted a representation on 16.03.2004 [which was duly forwarded by the RPO/Guwahati on 16.03.2004 itself] and, by a Communication dated 15.04.2004, the prayer made in the said representation was rejected by the Respondents. Relevant portion of the letter dated 15.04.2004 [which is Annexure F to this OA]

reads as under;



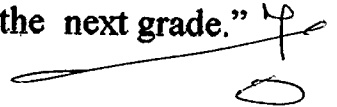
"In this connection, it is clarified that the name of Smt Ananda Das was duly considered by the DPC held on 26.02.2004 for promotion to the post of UDC. It is regretted that DPC did not approved the name of Smt Das for promotion to the post of UDC."

Subsequently, the Applicant submitted a representation dated 05.05.2004.

Another seniority/gradation list of LDCs [Grade VII] as on 01.07.2005 of Passport Organisation was put to circulation; in which the name of the Applicant was shown at Sl.No.12. Subsequent DPC dated 05.10.2006 also considered LDCs [for promotion as UDCs] and the select list was published on 09.10.2006; wherein the name of the Applicant did not find place.

Applicant submitted a representation on 17.11.2006 through proper channel and, by a Communication dated 03.01.2007, the Applicant was informed that her case received due consideration in the DPC dated 05.10.2006 but she was not recommended for promotion by the DPC. Relevant portion of letter dated 03.01.2007 [which is Annexure K to this OA] reads as under;

"2. In this connection, it is clarified that the name of Smt. Annanda Das, LDC was duly considered by the DPC held on 05.10.2006 but her name was not recommended for promotion to the next grade."

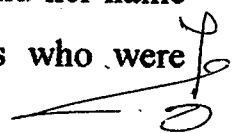


In the above premises, the Applicant approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985 and prayed as under:-

- "8.1. That the Hon'ble Tribunal may be pleased to direct the Respondents to consider the case of the Applicant for promotion to the post of UDC [Grade-VI] with retrospective effect with all service and financial benefits from the date of her juniors were promoted to the post of UDC Grade VI.
- 8.2 To set aside and quashed the impugned letter No.CDR-II/560/6/2006 dated 03.01.2007 issued by the Respondent No.2.
- 8.3. To pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3 To pay the cost of the application."

2. By filing a written statement, the Respondents disclosed as under,-

- [a] ".....the case of the Applicant was considered by the Departmental Promotion Committee and the Applicant was not found fit by the Departmental Promotion Committee." [Para 7 at Pages 2&3 of W/S]
- [b] "...The Respondents informed the applicant vide Ministries letter No.CDR-II/560/6/2006 dated 3.01.2007, that the name of the applicant was duly considered by the Departmental Promotion Committee for promotion along with other candidates in the Departmental Promotion Committee held on 5.10.2006 without any prejudice but she was not found fit for promotion and accordingly she was not selected and her name did not appear in list of successful candidates who were



selected in accordance with and in consonance with the Rules and Circulars holding the field.” [Para-9 page 3 of W/S]

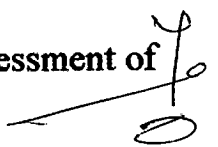
[c] “...the applicant was not found fit for the promotion on the basis of her annual confidential report placed before the Departmental Promotion Committee.” [Para-9 Page 3&4 of W/S]

[d] “..The bench mark to consider LDC/Grade VII to the post UDC Grade VI is “Good” and grade are “fit” or “Unfit”. The Respondents further beg to state that only “Fit” cases are considered for promotion as laid down in the instructions of DOPT.” [Para-9 Page 4 of W/S]

[e] “..her case was considered by the Departmental Promotion Committee and the applicant was found unfit for promotion.” [Para-13 Page 7 of W/S]

3. Heard Mr. Adil Ahmed, learned Counsel appearing for the Applicant and Mr. G.Baishya, learned Senior Standing Counsel appearing for Respondents and perused the material placed on record.

4. At the hearing, learned Counsel for the Applicant stated that while considering the case of the Applicant, the DPCs did not properly assess the ACRs of the Applicant and that the DPCs unjustly adjudged her “unfit” for promotion. Contesting this stand of the learned Counsel for the Applicant, Mr. G.Baishya, learned Senior Standing Counsel for Govt. of India, pointed out that the D.P.C., on overall assessment of each of the ACRs, gives gradings like [i] Outstanding; [ii] Very Good; [iii] Good; [iv] Average etc. and, thereafter, keeping the number of “bench-marks” earned by the candidates assessed him/her as “fit” or “unfit” and that assessment of

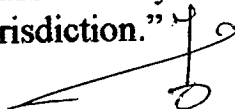


the DPCs are not to be re-evaluated [like Appellate Authorities] by the Courts & Tribunals; unless it is established that the DPC has acted in a mala fide, arbitrary or capricious manner. In order to substantiate his argument, learned Senior Standing Counsel [Mr. G. Baishya] has relied upon the following cases of the Apex Court of India:-

- [a] Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan [reported in AIR 1990 SC 434] and
- [b] Smt. Nutan Arvind v. UOI & others [reported in 1996 [1] SLR 774].
- [c] Durga Devi & another v. State of HP & others [reported in AIR 1997 SC 2618].
- [d] Anil Katiyar v. UOI & Ors [reported in 1997 SCC [L&S] 728].

5. In Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan [reported in AIR 1990 SC 434] the Apex Court opined as follows:-

“It is needless to emphasise that it is the function of the Court to hear appeal over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the Court, the High Court went wrong and exceeded its jurisdiction.”



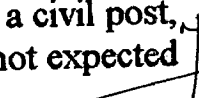
6. In Smt. Nutan Arvind v. UOI & Another [reported in 1996[1] SLR 774] the observations made in para 6 of the said decision read as follows:-

“6. The DPC which is a high-level committee, considered the merits of the respective candidates and the appellant, though considered, was not promoted. It is contended by learned counsel for the appellant that one K.S.Rao was the officer at the relevant time to review the performance of the appellant whereas in fact one Memon had reviewed it. The latter was not competent to review the performance of the appellant and to write the confidentials. We are afraid we cannot go into that question. It is for the DPC to consider at the time when the assessment of the respective candidates is made. When a high-level committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this court cannot sit over the assessment made by the DPC as an appellate authority. The DPC would come to its own conclusion on the basis of review by an officer and whether he is or is not competent to write the confidentials is for them to decide and call for report from the proper officer. It has done that exercise and found the appellant not fit for promotion. Thus we do not find any manifest error of law for interference.”

7. In the case of Durga Devi & Another v. State of H.P. & Ors [reported in AIR 1997 SC 2618] the Hon'ble Supreme Court pointed out that the power to judge comparative merits of candidates and fitness for posts is the function of the duly constituted Selection Committee, and the Tribunal cannot sit as an appellate Court and quash selection by itself scrutinizing comparative merits of candidates.

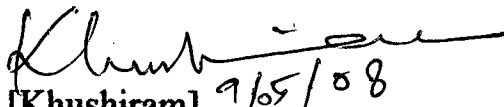
8. In the case of Anil Katiyar vs. UOI & Ors [reported in 1997 SCC [L&S] 728]] in which the scope of judicial review was considered by the Apex Court. Para 4 of the said reported case reads as under;-

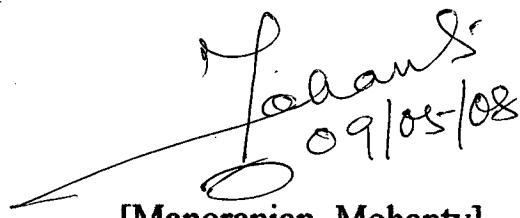
“Having regard to the limited scope of judicial review of the merits of a selection made for appointment to a service or a civil post, the Tribunal has rightly proceeded on the basis that it is not expected



to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it would not sit in judgment over the selection made by the DPC unless the selection is assailed as being vitiated by mala fides or on the ground of its being arbitrary. It is not the case of the appellant that the selection by the DPC was vitiated by mala fides."

9. In the above view of the matter, this Tribunal is not to re-assess the view/opinion [like an Appellate Authority] of DPCs relating to the Applicant. It is also not the case of the Applicant that the DPCs ever acted malafidely, arbitrarily or in a capricious manner. Thus, there are no scope of interference by this Tribunal. Hence, this case is dismissed. However, there shall be no order as to costs.


[Khushiram] 9/5/08
Member[A]


[Manoranjan Mohanty]
Vice-Chairman

cm

26 MAR 2007

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

(An Application Under Section 19 of the Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 80 OF 2006.

Smti Annada Das

... Applicant

-Versus-

The Union of India & Others

... Respondents

- I N D E X -

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Date: 26-03-2007

Filed By:

Smita Bhattacharjee
Advocate

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

ORIGINAL APPLICATION NO. 80 OF 2007.

Smti Annada Das

... Applicant

-Versus-

The Union of India & Others

... Respondents

LIST OF DATE / SYNOPSIS:

- | | |
|------------|--|
| 12.08.1993 | The Applicant's husband expired. |
| 04.11.1993 | The Applicant was appointed as Lower Division Clerk on compassionate ground vide Ministry of External Affairs, Government of India Order. |
| 12.11.1993 | The same was communicated to the Applicant. |
| 14.11.1993 | The Applicant has joined as Lower Division Clerk in Regional Passport Office, Guwahati. |
| 17.03.2003 | The Ministry of External Affairs, Government of India issued a seniority list of Official in Grade-LDC VII of the Central Passport Organisation as on 03.03.2003. The name of the Applicant appeared in the Serial No.16 of the said list. |
| 26.02.2004 | The Ministry of External Affairs, CPV Division (Cadre Cell-II), Government of India held a DPC Meeting for consideration of promotion of LDC Grade-VII to the post of UDC Grade-VI. |
| 01.03.2004 | The Ministry of issued select list of UDC Grade-VI. However, the Applicant's name did not appear in the select list. |
| 04.03.2004 | The Ministry of External Affairs approved the select list of Grade-VII LDC for promotion to the post of Grade-VI LDC. |
| 16.03.2004 | The Applicant filed a Representation before the Respondent No.2 for seeking justice in this matter, which was forwarded by the Regional Passport Office, Guwahati. |
| 15.04.2004 | The Respondent No.3 rejected the Representation of the Applicant without stating any valid reason. |

- 05.05.2004 The Applicant filed another Representation before the Respondent No.3, which was forwarded by the Respondent No.4.
- 01.07.2005 The Ministry of External Affairs, Government of India issued another seniority list of Grade-VII LDC of the Central Passport Organisation as on 01.07.2005. In the said list Applicant name was figured in Serial No.12.
- 05.10.2006 The DPC Meeting was held for consideration of promotion of LDC Grade-VII to the post of UDC Grade-VI.
- 09.10.2006 The Respondent Authority published the select list of Officials of Grade-VII LDC of the Cadre of Central Passport Organisation and approved for officiating promotion to Grade-VI UDC. However, in the said select list the name of the Applicant did not appear.
- 17.11.2006 The Applicant filed a Representation before the Respondent No.3 praying for promotion to the post of Grade-VI LDC with retrospective effect.
- 03.01.2007 The Respondent No.2 informed the Applicant that her name was not considered by the DPC for promotion to the next Grade.

Hence this Original Application for seeking justice in this matter.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

**(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 80 OF 2007.

FILED BY

*MRS ANNADA DAS ... Applicant
Through - Smta Bhattacharjee
(Advocate)*

BETWEEN

**Smti Annada Das
Wife of Late Maheswar Das
Lower Division Clerk
Regional Passport Office
Rani Bagan
Basistha Road
3rd Bye Lane
Guwahati-781 028.
Assam.**

... Applicant

-AND-

- 1. The Union of India,
Represented by the Secretary to the
Government of India
Ministry of External Affairs
New Delhi- 1**
- 2. The Deputy Secretary (PV)
Government of India
Ministry of External Affairs
CPV Division (Cadre Cell-II)
New Delhi- 1.**
- 3. The Under Secretary (PVA)
Ministry of External Affairs
Government of India
Patiala House Annexe
New Delhi.**
- 4. The Regional Passport Officer
Rani Bagan, Basistha Road
3rd Bye Lane
Guwahati-781 028.**
- 5. Kum X A T V Jyothi
Upper Division Clerk (UDC) Grade- VI
Central Passport Organization
C/o The Deputy Secretary (PV)
Government of India
Ministry of External Affairs
CPV Division (Cadre Cell-II)
New Delhi- 1.**

6. Kum N G Usha
Upper Division Clerk (UDC) Grade- VI
Central Passport Organization
C/o The Deputy Secretary (PV)
Government of India
Ministry of External Affairs
CPV Division (Cadre Cell-II)
New Delhi- 1.
7. Shri K Rajeev Anand
Upper Division Clerk (UDC) Grade- VI
Central Passport Organization
C/o The Deputy Secretary (PV)
Government of India
Ministry of External Affairs
CPV Division (Cadre Cell-II)
New Delhi- 1.
8. Kum K S Vani
Upper Division Clerk (UDC) Grade-VI
Central Passport Organization
C/o The Deputy Secretary (PV)
Government of India
Ministry of External Affairs
CPV Division (Cadre Cell-II)
New Delhi- 1.
9. Shri Amal C Biswas
Upper Division Clerk (UDC) Grade-VI
Regional Passport Office
Rani Bagan,
Basistha Road
3rd Bye lane
Guwahati- 781028.

MAS ANNADA DAS

... Respondents

DETAILS OF THE APPLICATION:

1) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The Application is made against the Impugned Order No.CDR-II/560/6/2006 dated 03.01.2007, issued by the Office of the Respondent No.2, i.e. the Deputy Secretary (PV), Government of India, Ministry of External Affairs, CPV Division (Cadre Cell-II), whereby the Applicant was denied her promotion to the post of Upper Division Clerk (*In short UDC*) from the post of Lower Division Clerk (*in short LDC*).

2) JURISDICTION OF THE TRIBUNAL

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such she is entitled to all the rights, privileges and protections guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder. She is now aged about 39 years.

4.2) That your Applicant begs to state that her husband Late Maheswar Das, expired on 12.08.1993 when he was working as Lower Division Clerk (In short LDC) in the Office of the Regional Passport Office, Guwahati. Thereafter, Petitioner was appointed as a Lower Division Clerk (LDC in short) on compassionate ground in the Office of the Regional Passport Office, Guwahati, vide Ministry of External Affairs, Government of India Order No.V.IV/578/207/93 dated 4th November 1993 in the pay scale of Rs.950-20-1150-EB-25-1500 plus other allowances admissible to the Central Government employees stationed at Guwahati. The same was communicated to her by the Respondent No. 4 vide his Office Memorandum No. Pass/Gau/21/93 dated 12-11-1993. The Applicant joined in the Regional Passport Office Guwahati as LDC on 14-11-1993 and since then she is working in the same capacity i.e. as Lower Division Clerk in the Regional Passport Office, Guwahati with full satisfaction of her superior officers.

Photocopy of the Office Memorandum No. Pass/ Gau/21/93 dated 12-11-1993 is annexed hereunto and marked as ANNEXURE-A.

Mrs ANANDA DAS

4.3) That your Applicant begs to state that the Government of India, Ministry of External Affairs, CPV Division (Cadre Cell-II), had issued an Office Memorandum dated 17-03-2003 in respect of Seniority List of Officials in Grade-VII (LDC) of the Central Passport Organisation as on 03-03-2003, wherein the name of the Applicant has appeared in Sl.No.16 of the said list. The said list was circulated to all the Officials concerned by the Office of the Under Secretary (PVA), Ministry of External Affairs, CPV Division (Cadre Cell-II) i.e. the Respondent No.3, vide Office Memorandum No.CDR-II/582/3/2002 dated 17th March 2003.

MRS. ANNADA DAS

Photocopies of the Seniority list of LDC Grade-VII as on 03.03.2003 vide Office Memorandum No.CDR-II/582/3/2002 dated 17.03.2003 are annexed hereunto and respectively marked as ANNEXURE-B.

4.4) That your Applicant begs to state that her next promotion is UDC Grade-VI and for the promotion to the said post selection is made on seniority basis by the Departmental Promotion Committee (in short DPC). The Ministry of External Affairs CPV Division (Cadre Cell-II) held a DPC on 26.02.2004 for consideration of promotion of LDCs (Grade-VII) to the post of UDC (Grade-VI). The Ministry of External Affairs vide their Memorandum No.CDR-II/560/3/2004 dated 1st March 2004, ^{issued Select List of U.D.C. Grade VI.} On 4th March 2004, the Ministry of External Affairs issued ^{the} a select list of Grade-VII (LDC) of the cadre of Central Passport Organisation ^{and} approved for officiating promotion to the Grade-VI (UDC) of the Central Passport Organisation. However, in the aforesaid select list of UDC Grade-VI the name of the Applicant was not included and the Respondent No.5 to 9 names appeared in the said list though they are junior to the Applicant vide seniority list dated 17.03.2003 (at ANNEXURE-B). The Respondent No.5 to 9 were promoted to the post of UDC Grade VI vide Order No.CDR-II/560/1/2004 dated 4th March 2004.

21

Relevant Portion of

Photocopy of the Select list of UDC Grade VI issued by the Ministry of External Affairs vide Memorandum No.CDR-II/560/3/2004 dated 01.03.2004 is annexed hereunto and marked as ANNEXURE-C.

Photocopy of promotion Order No.CDR-II/560/1/2004 dated 04.03.2004 is annexed herewith and marked as ANNEXURE-D.

4.5) That your Applicant begs to state that being aggrieved by the same, she immediately filed a Representation dated 16.03.2004 through proper channel before the Under Secretary (PVA), Ministry of External Affairs i.e. the Respondent No.3 praying justice in this matter. The Regional Passport Officer, Guwahati i.e. Respondent No.4 vide his letter No.Pass/Gau/21/93 dated 16.03.2004 forwarded the said Representation to the Office of the Under Secretary (PVA), Ministry of External Affairs, Government of India, New Delhi i.e. the Respondent No.3.

Photocopy of the Representation dated 16.03.2004 and the forwarding letter No.Pass/Gau/21/93 dated 16.03.2004, issued by the Regional Passport Officer, Guwahati are annexed hereunto and marked as ANNEXURE-E & E1 respectively.

4.6) That your Applicant begs to state that the Respondent No.3 vide his letter No.CDR-II/560/3/2004 dated 15.04.2004 had rejected the Representation of the Applicant without stating any valid reasons. Being aggrieved by this the Applicant immediately on 05.05.2004 again filed another Representation before the Under Secretary (PVA), Ministry of External Affairs, Government of India through proper channel which was forwarded by the Regional Passport Office, Guwahati on 05.05.2004. The Government of India, Ministry of External Affairs (CPV Division) published another

MAY ANNEX DAs

Seniority list of Grade-VII (LDC) of the Central Passport Organisation as on 01.07.2005. In the aforesaid list the name of the Applicant was figured in Serial No.12. Another DPC Meeting was held on 05.10.2006 to consider the promotion of LDC Grade VII to the post of UDC Grade VI and the Respondent Authority vide their Office Memorandum No.CDR-II/560/6/2006 dated 09.10.2006 published the select list of Officials of Grade-VII (LDC) of the Cadre of Central Passport Organisation^{and} approved for officiating⁴¹ promotion to Grade VI (UDC) of the Central Passport Organisation. However, in the said list also the Applicant name did not appeared. The Applicant immediately filed a Representation on 17.11.2006 before the Respondent No.3 through proper channel praying for promotion to the post of Grade VI UDC with retrospective effect. The aforesaid Representation was forwarded by the Respondent No.4 vide its letter dated 17.11.2006. The Respondent No.2 vide his letter No.CDR-II/560/6/2006 dated 03.01.2007 informed the Applicant that her name was duly considered by the DPC held on 05.10.2006. But her name was not recommended for promotion to the next Grade. Being aggrieved by this Applicant is compelled to approach this for seeking justice in this matter.

Photocopy of the letter No.CDR-II/560/3/2004 dated 15.04.2004 is annexed hereunto and marked as ANNEXURE-F.

Photocopy of the Representation dated 05.05.2004 and forwarding dated 05.05.2004 is annexed hereunto and marked as ANNEXURE-G & G1.

Photocopy of the Seniority list of Grade VII LDC as on 01.07.2005 is annexed hereunto and marked as ANNEXURE-H.

Photocopy of Office Memorandum No.CDR-II/560/6/2006 dated 09.10.2006 is annexed hereunto and marked as ANNEXURE-I.

MS ANNEXURE DCS

Photocopy of the Representation dated 17.11.2006 and forwarding dated 17.11.2006 is annexed hereunto and marked as ANNEXURE-J & J1.

Photocopy of Letter No.CDR-II/560/6/2006 dated 03.01.2007 is annexed hereunto and marked as ANNEXURE-K.

4.7) That your Applicant begs to state that she has already completed 14 years of service in the organisation without any blemish to her service career. The denial of legitimate promotion to the post of UDC is gross violation of Service Jurisprudence and Administrative Fair Play.

4.8) That your Applicant begs to state that neither a disciplinary proceeding is contemplated / pending against her name nor any adverse entries has been recorded in her CR. But still her name was not considered for promotion to the post of UDC.

4.9) That your Applicant submits that the action of the Respondents in considering the names of her juniors for promotion superseding her name is highly discriminatory, arbitrary, unjust, unfair, illegal and violation of the principles of natural justice and doctrine of equality.

4.10) That your Applicant submits that due to the non-promotion to the post of UDC and also due to the promotions granted to her juniors, she is suffering from great humiliation and irreparable financial loss. As such, it is a fit case where the Hon'ble Tribunal may interfere in this matter and also may be pleased to issue necessary directions to the Respondents.

4.11) That your Applicant submits the Respondents have acted with a mala-fide intention only to deprive the Applicant from her legitimate rights.

MRD ANNEXURE-J & J1

4.12) That your Applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the service jurisprudence.

4.13) That your Applicant submits that the Respondents have violated the Articles 14, 16 and 21 of the Constitution of India.

4.14) That your Applicant demanded justice and the same was denied to her by the Respondents.

4.15) That this application is filed bonafide and for the ends of justice. - 1/13.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction. Hence, the Impugned Order No.CDR-II/560/6/2006 dated 03.01.2007 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

5.2) For that, although the Applicant's name appeared in the Seniority lists of LDC Grade VII issued by the Government of India, Ministry of External Affairs. However, she was not selected and considered for promotion to the post of UDC, whereas her junior officials i.e. Respondent No.5 to 9 were considered for promotion. Hence the impugned order No.CDR-II/560/6/2006 dated 03.01.2007 issued by the Office of the Respondent NO.2 is liable to be set aside and quashed.

5.3) For that, the Applicant has already completed 14 years of dedicated service, without any blemish in her service, but the Respondents have not granted her any single service benefit i.e. promotion or financial benefits under ACP Scheme. Hence the impugned Order No.CDR-II/560/6/2006, dated 03.01.2007, issued by the Office of the Respondent No.2 is liable to be set aside and quashed.

DAS
ANNADA
MPS

- 5.4) For that, there is neither any disciplinary proceedings contemplated / pending against her name nor any adverse remark or entry in her CR has been communicated to her. Yet she has not been considered for promotion to the post of UDC which she is legally entitled to. Hence the impugned order No.CDR-II/560/6/2006 dated 03.01.2007 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.
- 5.5) For that, the Respondents have arbitrarily and mechanically rejected the Applicant's Representations dated 16.03.2004 and 17.11.2007. Hence the impugned order No.CDR-II/560/6/2006 dated 03.01.2007 issued by the Office of the Respondent No.2 is liable to be set aside and quashed.
- 5.6) For that, non-consideration and inaction on the part of the Respondents in granting the Applicant promotion to the post of UDC is arbitrary, whimsical, unjust and bad in law.
- 5.7) For that, granting the junior persons to higher posts by superseding the Applicant's claim is discriminatory, favouritism and bias on the part of the Respondents.
- 5.8) For that, being model employer the Respondents cannot act in a differential manner towards the Applicant, when the same benefit has been granted to similarly situated persons.
- 5.9) For that, the Respondents ought to give the Applicant promotion with retrospective effect from the date of her juniors were promoted to the post of UDC.
- 5.10) For that the Respondents have violated the Articles 14, 16 and 21 of the Constitution of the India.

MRS. ANNOBA DAS

5.11) For that in any view of the matter the action of the Respondents are not sustainable in the eye of law as well as fact of this case.

The Applicants crave leave of this Hon'ble Tribunal advance further grounds at the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declare that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to consider the case of the Applicant for

MRD ANNADA DAS

(Grade-
promotion to the post of UDC^{VI}) with retrospective effect with all service and financial benefits from the date of her Juniors were promoted to the post of UDC Grade VI.

8.2) To set aside and quashed the impugned letter No.CDR-II/560/6/2006 dated 03.01.2007 issued by the Respondent No.2.

8.3) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.4) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

The humble Applicant most respectfully prays for an Interim Order before this Hon'ble Tribunal by directing the Respondents to reserved one post of UDC Grade VI for the Applicant till disposal of this Original Application..

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. 346652234
Date of Issue 19-03-2007
Issued from Guwahati GPO
Payable at Guwahati GPO.

12) LIST OF ENCLOSURES:

As stated above.

Verification

MRS ANNADA DAS

VERIFICATION

I, Smti Annada Das, Wife of Late Maheswar Das , Lower Division Clerk, Regional Passport Office, Rani Bagan, Basistha Road, 3rd Bye Lane, Guwahati-781 028, Assam do hereby solemnly verify and declare that the statements made in paragraph nos. 4.1, 4.7 and 4.8 — are true to my knowledge, those made in paragraph nos. 4.2 to 4.6 — are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 26th day of March 2007 at Guwahati.

MRS ANNADA DAS
DECLARANT

भारत सरकार

विदेश मंत्रालय

क्षेत्रीय पारपत्र कार्यालय

GOVERNMENT OF INDIA

MINISTRY OF EXTERNAL AFFAIRS

REGIONAL PASSPORT OFFICE

ANNEXURE--A

Telc { Phone : 90198 560101
Gram : PASSEM, Guwahati
Telex : 0235 2312

राणी बागान, बसिष्ठा रोड
RANI BAGAN, Basistha Road,
गुवाहाटी
3rd Bye Lane, Guwahati-781028.

No. Pass/Gau/21/93

Guwahati..12.11.93.....19

MEMORANDUM

Smt. Annada Das is hereby appointed as Lower Division Clerk in the Regional Passport Office, Guwahati vide Ministry's order No. V.IV /578/207/93 dated 4th november, 1993 in the scale of pay of Rs. 950-20-1150-EB-25-1500 plus other usual allowances admissible to the Central Government Employees stationed at Guwahati on the following terms and conditions :-

1. The appointment is purely temporary and may be terminated at any time by a month's notice given by either side, viz, the appointee or the appointing authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment to her of a sum equivalent to the pay and allowances for the period of notice of the unexpired portion thereof .
2. She should be prepared to serve in any of the passport offices/ passport & Emigration offices already opened or to be opened in future to which he may be posted at any time and a signed bond to this effect should be furnished by him on his appointment.
3. She will be Governed by the Central passport and Emigration organisation (initial constitution and maintenance) Rules-1959 and other service rules and orders applicable to Central Government servants and in force time to time.
4. Her initial pay in the scale will be fixed under the normal rules. For purpose of fixation of pay seniority and pension his services from the date of appointment in this organisation alone will count.
5. Her appointment will be further subject to :-
 - (i) Production of a certificate of fitness from the competent medical authority.
 - (ii) Taking of an oath of the allegiance/faithfulness to the constitution of India.
 - (iii) Production of the following original certificates (where these have not been produce already at the selection state).
 - (a) Degree/ Diplomas / certificates of Educational and other technical qualification.
 - (b) Character certificates in prescribe form (Annexure-II) duly attested by a District Magistrate or Sub- Divisional Magistrate or their superior officers.
 - (c) Certificate of age.

ATTESTED

/Shatta
ADVOCATE

भारत सरकार
विदेश मंत्रालय
क्षेत्रीय पारपत्र कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

Tele { Phone : 60198 xx 560101
Gram : PASSEM, Guwahati
Telex : 0235 2312

राणी बागान, बसिष्ठा रोड
RANI BAGAN, Basistha Road,
गुवाहाटी
3rd Bye Lane, Guwahati-781028.

No.

Guwahati.....19

..... 2

6. She will be on probation for a period of two years.
7. Her seniority in the Central passport & Emigration organisation will count from the date of his report for duty at Regional Passport office, Guwahati.
8. Her character and antecedents will be verified through the police, If any adverse report is received, her services will be liable to termination.

1993

Regional Passport Officer,
Regional Passport Office
Guwahati.

Copy to :-

- ✓ 1. Smt. Annada Das, W/O Late Sh. Maheshwar Das, C/O Passport office, Guwahati.
2. Controller of Accounts, Ministry of External Affairs, Govt. of India, New Delhi.
3. Under secretary, (PVA), Ministry of External Affairs, New Delhi.
4. Administrative Officer, (PRIV) Ministry of External Affairs, New Delhi.

Regional Passport Officer,
Regional Passport Office
Guwahati.

ATTESTED

Bhatta
ADVOCATE

No. CDR-II/582/3/2002
Ministry of External Affairs
CPV Division
(CADRE CELL-II)

Mr. Singh

11 Circulate to
concerned staff

[Signature]

New Delhi, the 17th March, 2003.

OFFICE MEMORANDUM

Sub : SENIORITY LIST OF OFFICER IN GRADE VII(LDC) OF
CENTRAL PASSPORT ORGANISATION

The seniority list of official in Grade VII (LDC) of Central Passport Organisation as on 03.03.2003 is enclosed.

This may be circulated to all officials concerned. Factual error, if any, may be brought to the notice of the Ministry within 15 days from the date of receipt of this Official Memorandum. No (R) No representations will be entertained after the said period.

[Signature]

(A.K. KAPILA)
Under Secretary (PVA)

Encl : As above

ALL RPOs/POs

ATTESTED

[Signature]

ADVOCATE

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
CPV DIVISION

SENIORITY LIST OF GRADE VII (LDC
OF THE CENTRAL PASSPORT ORGANISATION
AS ON 03.03.2003

Sl No.	NAME	Cate- gory	Date of Birth	Date of appointment in Govt Service	Date of regular appointment to the present grade	Post held substan- tively	Present Station
1.	Shri Ravi K Rajwani	Gen	29.08.1961	12.07.1984	12.07.1984	17.10.1988	BPL
2.	Shri K S R Nair	Gen	04.03.1963	18.10.1984	18.10.1984	17.10.1988	COC
3.	Shri P M Rajenderan	Gen	06.01.1957	10.06.1985	10.06.1985	11.01.1994	CHE
4.	Smt S V Zagade	Gen	23.03.1960	17.06.1985	17.06.1985	11.01.1994	MUM
5.	Shri Rajesh C Kamdar	Gen	15.10.1961	14.06.1985	14.06.1985	11.01.1994	AHD
6.	Shri Ghulam Rasool Baba	Gen	03.05.1960	01.05.1986	01.05.1986	11.01.1994	SRI
7.	Shri Raj Kumar	Gen	10.12.1957	02.05.1986	02.05.1986	11.01.1994	JAL
8.	Shri S C Behera	Gen	20.10.1962	13.10.1986	13.10.1986	11.01.1994	BSR
9.	Shri S S Tomar	Gen	31.12.1948	25.02.1987	25.02.1987	11.01.1994	BLY
10.	Shri P Jacob	Gen	04.07.1945	17.03.1987	17.03.1987	11.01.1994	AHD
11.	Shri S S Sheoran	Gen	15.07.1948	28.08.1987	28.08.1987	11.01.1994	JPR
12.	Shri S N Shee	Gen	13.06.1955	27.10.1988	27.10.1988	11.01.1994	KOL
13.	Shri Hari Om	SC	12.03.1964	15.09.1989	15.09.1989	11.01.1994	AHD
14.	Shri Shishu Pal	XS	01.02.1955	26.04.1993	26.04.1993	Temporary	JAL
15.	Shri Vinod Kumar Saxena	Gen	04.09.1966	06.10.1993	06.10.1993	Temporary	LKO
16.	Smt Annada Das	Gen	01.09.1968	15.11.1993	15.11.1993	17.10.2001	GUW
X17.	Kum X A T V Jyothi	Gen	27.11.1970	27.06.1994	27.06.1994	17.10.2001	BNG
X18.	Kum N G Usha	Gen	22.08.1973	27.06.1994	27.06.1994	17.10.2001	BNG
X19.	Shri K Rajeev Anand	Gen	18.07.1970	11.07.1994	11.07.1994	17.10.2001	BNG
X20.	Kum K S Vanl	Gen	24.03.1973	11.07.1994	11.07.1994	17.10.2001	BNG
X21.	Shri Amal C Biswas	Gen	01.01.1968	14.07.1994	14.07.1994	17.10.2001	GUW
22.	Shri P R Krishnan	Gen	18.07.1972	01.08.1994	01.08.1994	17.10.2001	BNG
23.	Kum Sadhna Shukla	Gen	18.05.1972	13.09.1994	13.09.1994	17.10.2001	CHD
24.	Smt Seena Ullas	Gen	24.05.1968	06.10.1994	06.10.1994	17.10.2001	COC
25.	Smt V Anitha	Gen	31.05.1967	26.12.1994	26.12.1994	17.10.2001	DEL
26.	Shri S S Ajith Kumar	Gen	31.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM
27.	Shri T Narayanan Potti	Gen	12.01.1968	06.10.1994	06.10.1994	17.10.2001	TVM
28.	Smt V Rema	Gen	07.04.1968	06.10.1994	06.10.1994	17.10.2001	TVM
29.	Shri Shamji B Singh	Gen	31.05.1967	06.10.1994	06.10.1994	17.10.2001	TVM
30.	Smt M P Ambikamol	Gen	13.05.1968	06.10.1994	06.10.1994	17.10.2001	COC
31.	Shri S Ajith Kumar	Gen	28.04.1967	06.10.1994	06.10.1994	17.10.2001	COC
32.	Smt S S Beena	Gen	31.03.1968	06.10.1994	06.10.1994	17.10.2001	COC
33.	Smt Ani Shibu	Gen	10.05.1968	06.10.1994	06.10.1994	17.10.2001	COC
34.	Smt S Usha Kumari Amma	Gen	29.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM
35.	Shri A R Parmeswaran	Gen	13.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM
36.	Smt Sobha Ajaykumar	Gen	13.05.1967	06.10.1994	06.10.1994	17.10.2001	COC
37.	Smt G Umadevi	Gen	01.06.1967	06.10.1994	06.10.1994	17.10.2001	PANA
38.	Smt Saly Mathews	Gen	03.05.1968	06.10.1994	06.10.1994	17.10.2001	KZD
39.	Ms Shibu John	Gen	24.02.1968	06.10.1994	06.10.1994	17.10.2001	COC
40.	Shri Santosh K K Vettill	Gen	20.05.1968	06.10.1994	06.10.1994	17.10.2001	KZD
41.	Shri V Ajish Babu	Gen	31.05.1969	09.01.1995	09.01.1995	17.10.2001	KZD
42.	Shri K K Ashokan	Gen	27.05.1967	06.10.1994	06.10.1994	17.10.2001	KZD
43.	Smt C S Geetha Kumari	Gen	25.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM
44.	Smt K T Usha Kumari	Gen	01.05.1967	06.10.1994	06.10.1994	17.10.2001	KZD
45.	Shri M N Bertin	Gen	31.05.1967	06.10.1994	06.10.1994	17.10.2001	TVM

ATTESIED

S. Shatta
ADVOCATE

New Delhi. the 01st March. 2004

MEMORANDUM

Select List of officials of Grade-VII (LDC)
of the cadre of Central Passport Organisation approved
for officiating promotion to the Grade-VI (UDC)
of the Central Passport Organisation

A . DPC meeting to consider promotion of LDCs (Grade-VII) to the post of UDC (Grade-VI) was held on 26.02.2004. The following officials of Grade-VII (LDC) of the cadre of Central Passport Organisation have been approved for inclusion in the Select List for promotion in Officiating capacity to Grade- VI (UDC) of the CPO.

S.NO.	NAME	CATEGORY
1	Kum X A T V Jyothi	Gen
2	Kum N G Usha	Gen
3	Shri K Rajeev Anand	Gen
4	Kum K S Vani	Gen
5	Shri Amal C Biswas	Gen
6	Shri P R Krishnan	Gen
7	Kum Sadhna Shukla	Gen
8	Smt Seena Ullas	Gen
9	Smt V Anitha	Gen
10	Shri S S Ajith Kumar	Gen
11	Shri T Narayanan Potti	Gen
12	Smt V Rema	Gen
13	Shri Shamji B Singh	Gen
14	Smt M P Ambikamol	Gen
15	Shri A Balasubramanian	ST
16	Shri R N Sethi	SC
17	Shri Sunil Kumar Prasad	SC
18	Shri Surender Kumar	SC
19	Shri P T Ramesan	SC
20	Shri Roop Chand Raigar	SC
21	Shri Veer Singh	SC
22	Shri Ram Pujan Harijan	SC
<*>		

The above is only a Select List. The inclusion of the name of any official in the Select List will not confer upon him/her the right to claim promotion from any particular date. Actual date of promotion will not, however, affect the inter-se-seniority of the officials included in the select list. Orders for actual promotion will be issued separately.

Cont'd.....2.

ATTESTED

Bhatta
ADVOCATE

New Delhi. the 04th March. 2004

O R D E R

The following officials of Grade VII (LDC) of the Cadre of the Central Passport Organisation, whose names have been included in the select list issued by Memorandum No. CDR-II/560/3/2004 dated 01.03.2004 are promoted to officiate in Grade- VI (UDC) of the Central Passport Organisation with effect from 26.02.2004 at the Station of their posting mentioned against each :

S.No.	Name	Present Posting
1	Kum X A T V Jyothi	Bangalore
2	Kum N G Usha	Bangalore
3	Shri K Rajeev Anand	Bangalore
4	Kum K S Vani	Bangalore
5	Shri Amal C Biswas	Guwahati
6	Shri P R Krishnan	Bangalore
7	Kum Sadhna Shukla	Chandigarh
8	Smt Seena Ullas	Cochin
9	Smt V Anitha	Delhi
10	Shri S S Ajith Kumar	Trivandrum
11	Shri T Narayanan Potti	Trivandrum
12	Smt V Rema	Trivandrum
13	Shri Shamji B Singh	Trivandrum
14	Smt M P Ambikamol	Cochin
15	Shri A Balasubramanian	Trivandrum
16	Shri R N Sethi	Bhubaneswar
17	Shri Sunil Kumar Prasad	Patna
18	Shri Surender Kumar	Chandigarh
19	Shri P T Ramesan	Cochin
20	Shri Roop Chand Raigar	Jaipur
21	Shri Veer Singh	Delhi
22	Shri Ram Pujan Harijan	Lucknow

Select List

2. The officials who were on leave on 26.02.2004 shall be given promotion from the date they reported back for duty. The actual date of promotion will not, however, affect inter-se-seniority of the officials.

(E. Martin)
Director (PVA)

1. The RPO/PO, Bangalore, Guwahati, Chandigarh, Cochin, Delhi, Trivandrum, Bhubaneswar, Patna, Jaipur & Lucknow
2. All RPOs/POs - for information.
3. The COA, MEA, Akbar Bhawan, New Delhi.
4. Officers concerned through their RPO/PO
5. AO (PV.IV), APO (Inspection) and PRO (Vig.II), MEA.
6. Personal file of officers concerned.
7. Office Order Register.
8. Spare copy.

ATTESIED

Shatta
ADVOCATE

ANNEXURE-- E

To
The Under Secretary (PVA)
Ministry of External Affairs
Government of India
Patiala House, Annexe
New Delhi.

Date-16-03-2004

Through Proper Channel

Subject: Prayer for Seeking Justice for the Promotion to the Post of UDC.
Ref : Ministry's order No.CDR-II/560/3/2004 Date-01-03-2004.

Sir,

Most respectfully I beg to place the following for your kind consideration and sympathetic orders.

1. That Sir, I am serving as LDC in the Regional Passport Office, Guwahati w.e.f. 15-11-1993 with the entire satisfaction to my superiors and no adverse remark has ever been communicate to me from my office.
2. That Sir, my position in the gradation list as published by the ministry vide their letter No.CDR-II/582/3/2002 Date-17-03-2003 is at serial No-16.
3. That Sir, surprisingly it has come to my notice from the Ministry order mentioned in the reference above that my Junior LDC (Serial No.1 to 14) namely

I) Kum X A T V Jyothi

II) Kum N G Usha

III) Shri K Rajeev Anand

IV) Kum K S Vani

V) Shri Amal C Biswas

VI) Shri P R Krishnan

VII) Kum Sadhna Shukla

VIII) Smt Seena Ullas

IX) Smt V Anitha

X) Shri S S Ajith Kumar

XI) Shri T Narayanan Potti

XII) Smt V Rema

XIII) Shri A Balasubramanian

IXI) Smt M P Ambikamol

have been promoted to the post of UDC by passing my position .

4. That Sir, the reason for deletion of my name in the promotion list has caused resentment and ~~the reference~~ I have been compelled to request you kindly to verify the matter/list of promotees in the gradation list and pass appropriate orders promoting me for the post of UDC giving retrospective effect for the act. Of which I shall remain grate full to your honour.

Yours Faithfully

(Signature)
16/3/04 (L.D.C.)

(MRS ANNADA DAS) LDC
Regional Passport Office
Guwahati.

ATTESTED

(Signature)

ADVOCATE

**GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE, GUWAHATI**

PHONE NO-2260101, 2264841.
FAX NO ##-2260101
GRAM ###-PASSEM

RANI BAGAN
BASISTHA ROAD
3RD BYE LANE, GUWAHATI-28

Pass/Gau/21/93


Date-16-03-2004

To
The Under Secretary (PVA)
Ministry of External Affairs
Government of India,
Patiala House, Annexe
New Delhi.

Sir

I am to forward herewith a representation received from Smt Annada Das LDC. Dated-16-03-2004 of this Office which is self-explanatory and request you to please look in to her grievance for disposal at an early date.

Yours faithfully



(P. MALAKAR)
REGIONAL PASSPORT OFFICER
GUWAHATI

atc
JSS
PL. No-5449
16/3/04

ATTESTED

Bhattacha
ADVOCATE

No. CDR-II/560/3/2004
Ministry of External Affairs
CPV Division
(CADRE CELL-II)

ANNEXURE F

New Delhi, the 15th April, 2004.

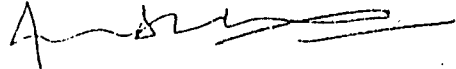
✓ The Passport Officer
Guwahati.

Sub : PROMOTION TO THE GRADE OF UDC -
CASE OF SMT ANANDA DAS, LDC

Please refer to your letter No. Pass/Gau/21/93 dated 16.03.2004 forwarding therewith the representation of Smt Ananda Das, LDC regarding his promotion to grade-VI (UDC) in CPO.

In this connection, it is clarified that the name of Smt Ananda Das was duly considered by the DPC held on 26.02.2004 for promotion to the post of UDC. It is regretted that DPC did not approved the name of Smt Das for promotion to the post of UDC.

Smt Ananda Das, LDC may please be informed accordingly.


(RAVI SHANKAR)
Under Secretary (PV)

ATTESTED


ADVOCATE

To
The Under Secretary (PVA)
Ministry of External Affairs,
Govt. of India,
Patiala House, Annexe
New Delhi.

ANNEXURE G

Dated the 5th May, 04

Through proper Channel

Subject:- Prayer for promotion to the post of UDC (Grade -VI)
Ref :- Your order No-CDR-II/560/3/2004 Dated-15-04-2004.

Sir,

With reference to your letter no. cited above, I beg to lay before you the following few lines for favour of your kind consideration and necessary action please.

That sir, I have joined this organisation on 15-11-1993 as LDC at Regional Passport Office, Guwahati and Serving there to the best satisfaction of my superiors and with the legitimate expectation that I will get promotion to the next higher grade in due course.

That sir, my name has been appeared in the Seniority list of grade VII (LDC) at Sl. No-16 published on 03-03-2003. (copy of seniority list enclosed).

That Sir, to my utter surprise my juniors appeared at Sl. No. 17 to 30, in the seniority list had been given promotion to the post of U.D.C. superseding my position.

That Sir, against the above order of promotion, I have made a representation on 16-03-04 highlighting my grievances.

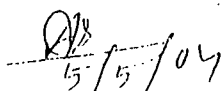
That Sir, my said representation Dated 16-03-2004 was turned town straight way vide order dated 15-04-2004 on the plea that DPC did not approve my name.

That Sir, as per my information neither a disciplinary proceeding is contemplated/pending against me nor any adverse entries recorded in my C.R. were communicated to me, My prayer was rejected without any valid reason.

I, therefore, once again humbly request you to kindly consider my case for promotion to the post of U.D.C. with retrospective effect i.e. form the date of my above mentioned juniors were promoted.

And for which act of yours kindness, I shall remain ever pray.

Yours faithfully


(MRS A DAS) LDC

Regional Passport Office, Guwahati.

ATTESTED


ADVOCATE

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE, GUWAHATI

ANNEXURE G₁

PHONE NO-2260101, 2264841.
FAX NO ##-2260101
GRAM ###-PASSEM

RANI BAGAN
BASISTHA ROAD
3RD BYE LANE, GUWAHATI-28

No=Pass/Gau/

Date-05-05-2004

To
The Under Secretary (PVA)
Ministry of External Affairs,
Govt. of India,
Patiala House, Annexe
New Delhi

Sir,

A representation received from Smt. Annada Das, LDC Dated 05-05-2004 of this office for her promotion to the post of UDC, which is self explanatory is forwarded for kind disposal.

Yours faithfully

[Signature]

(P. MALAKAR)

Regional Passport Officer,
Guwahati.

o/c
J. S. Suman
7/5/04

ATTESTED

[Signature]
ADVOCATE

R.F.N.O. - G₁-0549
7/5/04

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
(CFV DIVISION)

SENIORITY LIST OF GRADE-VII (LDC) OF THE CENTRAL PASSPORT ORGANISATION
AS ON 01.07.2005

S. No.	NAME	Cate- gory	Date of Birth	Date of appointment in Govt Service	Date of regular appointment to the present grade	Post held substan- tively	Presen- t Stati-
1.	Shri P M Rajenderan	Gen	06.01.1957	10.06.1985	10.06.1985	11.01.1994	CHP
2.	Smt S V Zagade	Gen	23.03.1960	17.06.1985	17.06.1985	11.01.1994	MUN
3.	Shri Rajesh C Kamdar	Gen	15.10.1961	14.06.1985	14.06.1985	11.01.1994	AHE
4.	Shri Ghulam Rasool Baba	Gen	03.05.1960	02.07.1979	01.05.1986	11.01.1994	SRJ
5.	Shri S C Behera	Gen	28.10.1962	13.10.1986	13.10.1986	11.01.1994	BSF
6.	Shri P Jacob	Gen	04.07.1945	17.03.1987	17.03.1987	11.01.1994	AHE
7.	Shri S S Sheoran	Gen	15.07.1948	28.08.1987	28.08.1987	11.01.1994	JPF
8.	Shri S N Shee	Gen	13.06.1955	27.10.1988	27.10.1988	11.01.1994	KOI
9.	Shri Shishu Pal	Gen	01.02.1955	26.04.1993	26.04.1993	Temporary	JAI
10.	Smt. Savita Gosain	Gen	25.06.1970	04.06.1993	04.06.1993	17.10.2001	LKC
11.	Shri Vinod Kumar Saxena	Gen	04.09.1966	06.10.1993	06.10.1993	Temporary	LKC
12.	Smt. Ananda Das	Gen	01.09.1968	15.11.1993	15.11.1993	17.10.2001	GUW
13.	Shri V Ajish Babu	Gen	31.05.1969	09.01.1995	09.01.1995	17.10.2001	KZE
14.	Shri K K Ashokan	Gen	27.05.1967	06.10.1994	06.10.1994	17.10.2001	KZE
15.	Smt C S Geetha Kumari	Gen	25.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM
16.	Smt K T Usha Kumari	Gen	01.05.1967	03.12.1996	03.12.1996	17.10.2001	KZE
17.	Shri M N Bertin	Gen	31.05.1967	06.10.1994	06.10.1994	17.10.2001	TVM
18.	Shri R S Murali	Gen	25.01.1968	06.10.1994	06.10.1994	17.10.2001	TVM
19.	Smt Annie Alex	Gen	14.05.1967	06.10.1994	06.10.1994	17.10.2001	COC
20.	Shri Sathesh K Koothil	Gen	25.05.1967	06.10.1994	06.10.1994	17.10.2001	KZD
21.	Smt P Mini Paul	Gen	13.05.1967	06.10.1994	06.10.1994	17.10.2001	COC
22.	Smt K Jijy	Gen	30.05.1968	06.10.1994	06.10.1994	17.10.2001	KZD
23.	Shri N Ajildas	Gen	16.12.1967	09.01.1995	09.01.1995	17.10.2001	KZD
24.	Smt P A Remadevi	Gen	01.06.1968	06.10.1994	06.10.1994	17.10.2001	KZD
25.	Smt B Rajalekshmy	Gen	10.05.1965	06.10.1994	06.10.1994	17.10.2001	COC
26.	Smt Omana Pradeep	Gen	15.01.1968	06.10.1994	06.10.1994	17.10.2001	COC
27.	Shri P Mohanan	Gen	15.05.1969	10.01.1995	10.01.1995	17.10.2001	KZD
28.	Smt Reeja Vellittayil	Gen	01.06.1969	03.12.1996	03.12.1996	17.10.2001	KZD
29.	Shri E M Venugopal	Gen	20.05.1969	05.06.1995	05.06.1995	17.10.2001	KZD
30.	Smt O K Pankaja	Gen	24.05.1967	09.01.1995	09.01.1995	17.10.2001	KZD
31.	Smt Sunu Keener Paul	Gen	24.05.1967	06.10.1994	06.10.1994	17.10.2001	COC
32.	Shri P K Babu	Gen	22.03.1967	05.12.1996	05.12.1996	17.10.2001	KZD
33.	Smt P Solie	Gen	24.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM
34.	Shri Rajeev Saxena	Gen	15.10.1970	06.10.1994	06.10.1994	17.10.2001	LKO
35.	Shri N K Mohanachandra	Gen	20.10.1960	06.10.1994	06.10.1994	17.10.2001	TVM
36.	Smt P Reena	Gen	22.10.1967	06.10.1994	06.10.1994	17.10.2001	KZD
37.	Smt K Sheeba	Gen	29.05.1968	01.06.1995	01.06.1995	17.10.2001	KZD
38.	Smt K Bindu	Gen	30.05.1968	09.01.1995	09.01.1995	17.10.2001	KZD
39.	Smt Daisy Paulose	Gen	10.05.1967	06.10.1994	06.10.1994	17.10.2001	COC
40.	Smt A S Latha	Gen	20.05.1967	06.10.1994	06.10.1994	17.10.2001	COC
41.	Smt Rema Babu	Gen	03.05.1968	10.10.1994	10.10.1994	17.10.2001	COC
42.	Smt A Vijay Kumari	Gen	11.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM
43.	Smt A R K Rema	Gen	12.09.1967	29.05.1995	29.05.1995	17.10.2001	KZD
44.	Smt S Jasmine	Gen	30.05.1968	06.10.1994	06.10.1994	17.10.2001	TVM

ATTESTED

S. Shatha
ADVOCATE



New Delhi, the 9th October, 2006

MEMORANDUM

Subject: Select List of officials of Grade-VII (LDC) of the cadre of Central Passport Organisation approved for officiating promotion to Grade-VI (UDC) of the Central Passport Organisation.

A DPC meeting to consider promotion of LDCs (Grade-VII) to the post of UDC (Grade-VI) was held on 5.10.2006. The following officials of Grade-VII (LDC) of the cadre of Central Passport Organisation have been approved for inclusion in the Select List for promotion in Officiating capacity to Grade-VI (UDC) of the CPO.

S. No.	Name	Category
1.	Smt. S V Zagade	Gen
2.	Shri V K Saxena	Gen (To be promoted only after completion of the period of penalty)
3.	Shri V Ajish Babu	Gen
4.	Shri K K Ashokan	Gen
5.	Smt. C S Geetha Kumari	Gen
6.	Smt. K T Usha Kumari	Gen
7.	Shri M N Bertin	Gen
8.	Shri R S Murali	Gen
9.	Smt. Annie Alex	Gen
10.	Shri Sathesh K Koothil	Gen
11.	Smt. Mini Paul	Gen
12.	Smt. K Jijy	Gen
13.	Shri N Ajildas	Gen
14.	Smt. P A Remadevi	Gen
15.	Smt. B Rajalekshmy	Gen
16.	Smt. Omana Pradeep	Gen
17.	Shri P Mohanan	Gen
18.	Smt. Reeja Vellittayil	Gen
19.	Shri E M Venugopal	Gen
20.	Smt. O K Pankaja	Gen
21.	Smt. Sunu Keener Paul	Gen
22.	Shri P K Babu	Gen

ATTESTED

Ashatta
ADVOCATE

23.	Smt. P Solie	Gen
24.	Shri Rajeev Saxena	Gen
25.	Shri N K Mohanachandra	Gen
26.	Smt. P Reena	Gen
27.	Smt. K Sheeba	Gen
28.	Smt. K Bindu	Gen
29.	Smt. Daisy Paulose	Gen
30.	Smt. A S Latha	Gen
31.	Smt. Rema Babu	Gen
32.	Smt. A Vijay Kumari	Gen
33.	Smt. A R K Rema	Gen
34.	Smt. S Jasmine	Gen
35.	Smt. M Bindu	Gen
36.	Smt. C P Suhasini	Gen
37.	Smt. Zeema Mary	Gen
38.	Shri Sanjeev Kumar	Gen
39.	Smt. Junni S Abraham	Gen
40.	Shri P Venugopalan	Gen
41.	Smt. K V Kochurani	Gen
42.	Shri V J Jacob	Gen
43.	Smt. M K Anitha Kumari	Gen
44.	Smt. K R Sheeba	Gen
45.	Shri T K Ramadasan	Gen
46.	Smt. B Soma-sekharan	Gen
47.	Smt. L G Salilaja	Gen
48.	Smt. C Jayasree	Gen
49.	Smt. Baby S Kuniyil	Gen
50.	Smt. Sobhana Varghese	Gen
51.	Shri M K Ajay Kumar	Gen
52.	Shri C P Manoharan	Gen
53.	Smt. Pratibha Verma	Gen
54.	Smt. U V Smitha	Gen
55.	Shri Sanjeev Saxena	Gen
56.	Smt. P Mini	Gen
57.	Smt. V Sobhana	Gen
58.	Shri K M Pillay	Gen
59.	Smt. P Ajirani	Gen
60.	Smt. Neena Jose	Gen
61.	Shri M Sumil Kumar	Gen
62.	Smt. Sheeba Reghu	Gen
63.	Shri Gautam Sen	Gen
64.	Smt. S Rajeshwari	Gen
65.	Smt. P A Preetha	Gen
66.	Smt. V S Jyothirmayi	Gen
67.	Smt. S Vanisree	Gen
68.	Smt. P Beena	Gen
69.	Smt. Jiji Ruby	Gen
70.	Smt. J L C Arakiamary	Gen
71.	Smt. K C Bindu	Gen

ATTESTED

Shatta
ADVOCATE

72.	Smt. A Nacy Vijaya	Gen
73.	Shri Suresh K Meena	ST
74.	Shri Surendra Singh	ST

The above is only a Select List. The inclusion of the name of any official in the Select List will not confer upon him/her the right to claim promotion from any particular date. Actual date of promotion will not, however, affect the inter-se-seniority of the officials included in the selectlist. Orders for actual promotion will be issued separately.

The Select list will be operative for a period of ONE YEAR w.e.f. 5.10.2006

(R K Puri)

Deputy Secretary (PV)

DISTRIBUTION:-

1. All Passport Offices in India. The concerned Passport Officers are requested to confirm whether the officials listed above were on duty on 5.10.2006 (except Shri V K Saxena).
2. All officials concerned (Through their respective Passport Offices).
3. The Controller of Accounts, MEA, New Delhi.
4. AO (PV IV), PRO (Vig-II) and APO (Insp.).
5. Office Order file
6. Spare copies-10

ATTESTED

S Shetty
ADVOCATE

To

Date : 17-11-2006

The Under Secretary (PVA),
Ministry of External Affairs,
Government of India,
Patiala House Annexe,
New Delhi.

ANNEXURE - J

(Through proper channel)

Sub : Prayer for promotion to the post of Grade-VI (UDC).

Ref : Order No. CDR-II/560/6/2006 dated 9.10.2006 issued by Ministry of External Affairs, CPV Division (Cadre Cell-II).

Sir,

Most humbly and respectfully I would like to lay before you the following few lines for favour of your kind consideration and necessary order.

That Sir, I have joined the Regional Passport Office, Guwahati on 15.11.1993 as LDC. In the year 2005 the Central Passport Organisation had prepared a seniority list of Grade-VII (LDC) and accordingly my name appeared at serial No.16 in that list.

That Sir, to my utter surprise one promotion order was issued on 3.3.2004 promoting 22 LDCs and superseding me and ignoring my position in the seniority list. One of such promotee is Sri Amal C. Biswas, who was at serial No.21 in that list. The next seniority list was also published on 1.7.2005 wherein my name figured at sl. No.12. Though I represented against that action but no corrective measure has since been taken by the department.

That Sir, very unfortunately by constituting a DPC on 5.10.2006 another 22 LDCs were recommended for promotion to the post of UDC as communicated vide order dated 9.10.06 which was received by me on 31.10.06. However, my name was not considered for promotion to the post of UDC, although the above 22 LDCs were junior to me.

I, therefore, humbly request you to kindly consider my case for **promotion to the post of UDC with retrospective effect i.e. as per select list dated 1.3.2004.**

Yours faithfully,

(Signature)
(Mrs Annada Das)

LDC

Regional Passport Office,
Guwahati

ATTESTED

(Signature)
ADVOCATE

-29- GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE, GUWAHATI

ANNEXURE--J

PHONE NO- 0361-2260101
0361-2264841
FAX NO. - 0361-2260101
GRAM- PASSEM, GUWAHATI

RANI BAGAN
BASISTHA ROAD
3RD BYE LANE
GUWAHATI-781028

Date. 17.10.2006

To,
The Under Secretary(PVA)
Ministry of External Affairs
Govt. Of India
Patiala House Annexe
New Delhi

Subject: Prayer for Promotion to the post of Grade-VI(UDC)

Reference: Ministry's Memo No. CDR-11/560/6/2006 dated 09.10.2006

Sir,

A representation dated 17.11.2006 submitted by Smt. Annada Das LDC of this office for her promotion to the next higher post i.e UDC is forwarded herewith for favour of consideration & disposal at your end.

Yours Faithfully

(P.Malakar)
Regional Passport Officer
Guwahati

Copy to:
Smt. A.Das,LDC,RPO,Guwahati for information

17/11/06
Regional Passport Officer
Guwahati

ATTESTED

Shatta
ADVOCATE

- 30 -
No.CDR-II/560/6/2006
Government of India
Ministry of External Affairs
CPV Division
(Cadre Cell-II)

ANNEXURE-K

New Delhi, 3rd January, 2007.

✓ The Passport Officer,
GUWAHATI.

Subject: Promotion to the post of UDC - Case of
Smt. Ananda Das, LDC.

Sir,

Please refer to your letter No.Pass/Gau/21/93 dated
17.11.2006 forwarding therewith the representation of Smt.
Annada Das, LDC in your office regarding her promotion
to the post of UDC.

2. In this connection, it is clarified that the name of Smt.
Annada Das, LDC was duly considered by the DPC held on
05.10.2006 but her name was not recommended for
promotion to the next grade.

3. Smt. Annada Das, LDC may please be informed
accordingly.

Yours faithfully,

(Signature)
(R K Puri)

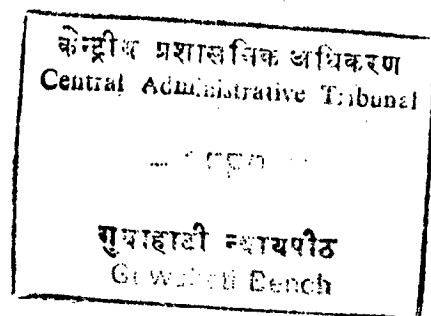
Deputy Secretary (PV)

Suppl-

As directed dt.
12/1/07

ATTESTED

(Signature)
ADVOCATE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. No.80 OF 2007

Smt Annada Das

...Applicant

-Versus-

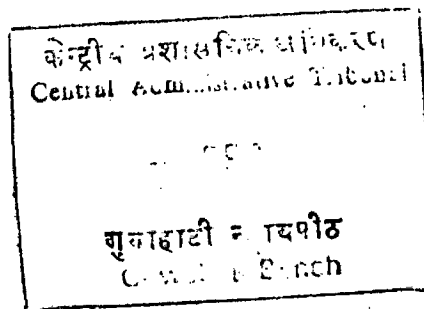
Union of India & Ors.

....Respondents

INDEX OF THE WRITTEN STATEMENT

<u>SL.NO.</u>	<u>PARTICULARS</u>	<u>PAGE NOS.</u>
1.	Written statement	1 - 8
2.	Verification	9
3.	Annexure-I(Copy of the guidelines of DPC	10
4.	Annexure-II(Copy of the OA No.834C4/02	11-16

Anil Grover -vs- UOI)



T. Armstrong Changsan

Filed by

टी. आर्मस्ट्रॉंग चंगसान
T. Armstrong Changsan
क्षेत्रीय पारंपरा अधिकारी
Regional Passport Officer
गुवाहाटी / Guwahati

Grandam Bin Singh

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O.A. NO. 80 OF 2008

Smt Annada Das

...Applicant

-Versus-

Union of India & Ors.

....Respondents

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That a copy of the aforesaid original application has been served upon the respondent and the deponent has gone through the same and understood meaning, contents thereof. The statements which are not specifically admitted in the instant written statement are deemed to be denied.

2. That with regard to the statements made in paragraph 1 and 2, the Respondents beg to state that the same are within the specific knowledge of the applicant and the Respondents can not admit or deny the same.

3. That with regard to the statements made in paragraph 3 of the original application, the respondents

Contd...P/-

Signature
T. Armstrong
Signature

टी० आर्मस्ट्रॉंग चॉंगसन
T. Armstrong Changsan
क्षेत्रीय पारपत्र अधिकारी
Regional Passport Officer
गुवाहाटी / Guwahati

[2]

beg to state that the same are within the specific knowledge of the applicant and the respondents can not admit or deny the same.

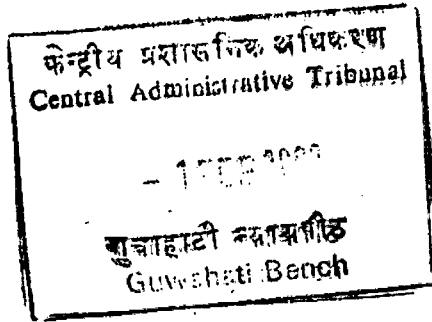
4. That with regard to the statements made in paragraph 4.1 of the instant application the Respondents beg to offer no comment.

5. That with regard to the statements made in paragraph 4.2 of the instant application the Respondents beg to state that those are matters of record and the respondents do not admit anything which is not born out of the record.

6. That with regard to the statements made in paragraph 4.3 of the instant application the Respondents beg to state that those are matters of record and the respondents do not admit anything which is not born out of the record.

7. That with regard to the statements made in paragraph 4.4 of the instant application the Respondents denied the statement to the effect that, the applicant's meant promotion is UDC Grade VI and for the promotion of the said post selection is made on seniority basis by the Departmental Promotion Committee. The Respondents further beg to state that the applicant to mislead the court has made the aforesaid statement which is false,

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टी० आर्मस्ट्रॉंग चांगसान
T. Armstrong Changsan
क्षेत्रीय पासपोर्ट अधिकारी
Regional Passport Officer
गुवाहाटी / Guwahati

T. Armstrong
Changsan

[3]

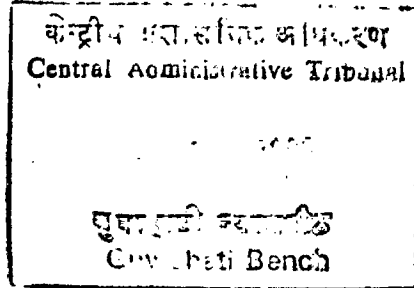
misleading and concocted. Infact the case of the applicant was considered by the Departmental Promotion Committee and the applicant was not found fit by the Departmental Promotion Committee. The rest statements are matters of record and the respondents do not admit anything which is not born out of the record.

8. That with regard to the statements made in paragraph 4.5 of the instant application are matters of record and the Respondents do not admit anything which is not born out of record.

9. That with regard to the statements made in paragraph 4.6 of the instant application the Respondents denied the same being untrue, misleading and concocted.

⑥ // The Respondents informed the applicant vide Ministries letter No. CDR-II/560/6/2006 dated 3.01.2007, that the name of the applicant was duly considered by the Departmental Promotion Committee for promotion along with other candidates in the Departmental Promotion Committee held on 5.10.2006 without any prejudice but she was not found fit for promotion and accordingly she was not selected and her name did not appeared in list of successful candidates who were selected in accordance with and in consonant with the Rules and Circular holding the field. // It is pertinent to mention here that the applicant was not found fit for the promotion on the basis of her annual confidential report placed before the Depart- →

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[4]

टी० आर्मस्ट्रॉंग चॉंगसन
T. Armstrong Chongsan
क्षेत्रीय पासपोर्ट अधिकारी
Regional Passport Officer
गुवाहाटी / Guwahati

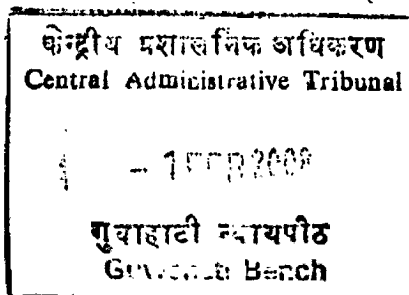
T. Armstrong
Chongsan

mental Promotion Committee. (The bench mark to consider of LDC Grade VII to the post of UDC Grade VI is "Good" and grade are "Fit" or "Unfit". The Respondents further beg to state that only "Fit" cases are considered for promotion as laid down in the instruction of DOPT.)

It has been stated by the applicant that neither disciplinary proceeding in contemplated/pending against her nor any adverse entries has been recorded in the CR but still her name was not considered for promotion for the post of UDC. In this regard, it is stated that officials may earn ordinary, average or routine ACRs which may not have any adverse remark in them. A copy of the guidelines for DPC's are promulgated by the Department of Personnel & Training is enclosed. It clearly stated that DPC enjoy full discretion to devise their own procedure and method for objection assessment of the suitability of candidates who are to be considered by them. The guidelines of the DPC's mentioned in paras 6.1.2 to 6.1.4 clearly define the role of DPC and the same have been followed in the case of applicant while considering her promotion.

The respondents further beg to state that the rest statements made in aforesaid paragraph 4.6 are matters of record and the respondents do not admit anything which is not born out of record.

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टी० आर्मस्ट्रॉंग चांगसान
T. Armstrong Changsan
क्षेत्रीय पारपत्र अधिकारी
Regional Passport Officer
गुवाहाटी / Guwahati

T. Armstrong Changsan

[5]

In a similar case in OA No. 834CH/02 Anil Grover -vs- UOI, the CAT, Chandigarh bench dismissed the OA which was founded on similar facts.

A copy of the guidelines of the DPC is annexed herewith as Annexure - 1.

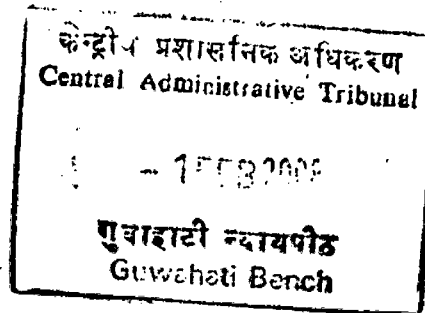
A copy of the said order dtd. 7.3.2003 is annexed herewith as Annexure - 2.

10. That with regard to the statements made in paragraph 4.7 of the instant application the Respondents beg to deny the same being concocted, untrue and misleading. It is denied that the respondents denied the legitimate promotion of the applicant but the real state of affairs is that the applicant was found unfit by the Departmental Promotion Committee.

11. That with regard to the statements made in paragraph 4.8 to 4.11 of the instant application the Respondents beg to state that those are false, concocted and untrue and the respondents denied the same.

The contention of the applicant that the respondents have acted with a malafide intention is totally baseless and hence denied. It is denied that the candidature of the applicant was not considered for

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टी० आर्मस्ट्रॉंग चंगसन
T. Armstrong Changsan
क्षेत्रीय पारपत्र अधिकारी
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गुवाहाटी / Guwahati

T. Armstrong Changsan

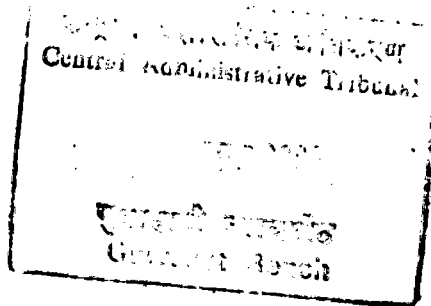
[6]

promotion to the post of UDC. It is reiterated by the respondents that officials may earn ordinary, average or routine ACRs which may not have any adverse remark in them. The same has also been provided and guidelines for DPC as promulgated by the Deptt. of Personnel & Training also confirms the same. It is denied that there is any discriminatory, arbitrary, unfair, illegal action on the part of the respondents while considering the case of the applicant. It is further denied that there is any violation of Natural Justice and doctrine of equality on the part of the respondents while considering the case of the applicant in DPC held for promotion to the post of UDC.

12. That with regard to the statements made in paragraph 4.12 to 4.15 of the instant application the Respondents beg to state that those are untrue, false, misleading and highly imaginary and the respondent denied the same. It is denied that while considering the case of the applicant, the respondents acted illegally, whimsically or in violation of Article 14, 16 and 21 of the Constitution of India.

13. That with regard to the statements made in paragraph 5.1 to 5.3 of the instant application the Respondents denied the same as untrue, false and concocted. It is denied that the case of the applicant was not considered for promotion to the post of UDC, but the

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टी. आर्मस्ट्रॉंग चंगसान
T. Armstrong Changsan
क्षेत्रीय पारंपरा अधिकारी
Regional Passport Officer
गुवाहाटी, Guwahati

T. Armstrong Changsan

[7]

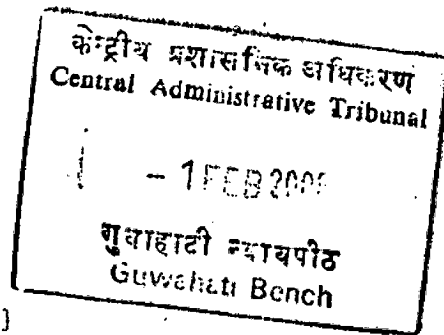
real state of affairs was that her case was considered by the Department Promotion Committee and the applicant was found unfit for promotion.

14. That with regard to the statements made in paragraph 5.4 and 5.5 of the instant application the Respondents beg to state that those are untrue, false and concocted and the respondents denied the same. The Respondents beg to reiterated the statement made in the paragraph 11 of the instant written statement.

15. That with regard to the statements made in paragraph 5.6 to 5.11 of the instant application the Respondents beg to that those are highly imaginary, false and baseless and the respondent denied the same. It is denied that the case of the applicant was not considered for promotion but after considering the case of the applicant, she was found unfit by the Departmental Promotion Committee. The respondents further beg to submit that the ground setforth in the paragraph 5 of the original application are not good grounds and the same are not tenable in law as well as on facts and the same are liable to be dismissed.


16. That with regard to the statements made in paragraph 6 and 7 of the instant application the Respondents beg to state that the same are within the specific knowledge of the applicant and the respondents beg to offer no comment.

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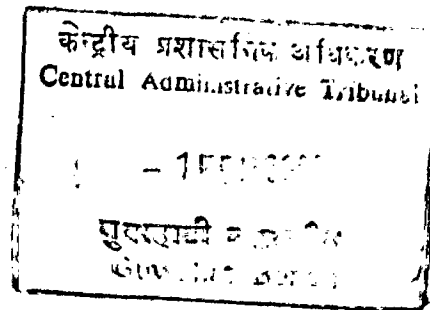


[8]

17. That with regard to the statements made in paragraph 8 and 9 of the instant application the Respondents beg to submit that in view of the aforementioned circumstances, the applicant is not entitled to get any relief from this Hon'ble Tribunal and the case of the applicant is liable to be dismissed with cost.


(T. Armstrong Chongsan)

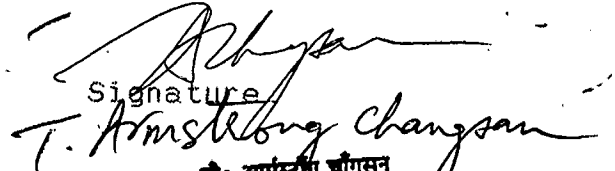
टी० आर्मस्ट्रॉंग चोंगसन
T. Armstrong Chongsan
क्षेत्रीय पारपत्र अधिकारी
Regional Passport Officer
गुवाहाटी / Guwahati



VERIFICATION

I, Sh. T. Armstrong Changsan S/o. Sh. V. Changsan
aged about 39 years, R/o Regional Passport Office, Guwahati
District Kamrup..... and competent officer of the
answering respondents, do hereby verify that the state-
ment made in paras 1-8, 10-17 are true
to my knowledge and those made in paras 9
being matters of record are true to my information
derived therefrom which I believe to be true and the
rests are my humble submission before this Hon'ble
Tribunal and I have not suppressed any material
fact

And I sign this verification on this 31st day
of JANUARY 2008 at Guwahati.


Signature
T. Armstrong Changsan
टी० आर्मस्ट्रॉंग चांगसन
T. Armstrong Changsan
क्षेत्रीय पारपत्र अधिकारी
Regional Passport Officer
गुवाहाटी / Guwahati

S54

SWAMY'S - ESTABLISHMENT AND ADMINISTRATION

- (b) The DPC should assess the suitability of the employees for promotion on the basis of their Service Records and with particular reference to the CRs for five preceding years irrespective of the qualifying service prescribed in the Service / Recruitment Rules. The 'preceding five years' for the aforesaid purpose shall be decided as per the guidelines contained in the DoP & T, O.M. No. 22011/9/98-Estt. (D), dated 8-9-1998, which prescribe the Model Calendar for DPC read with OM of even number, dated 16-6-2000. (If more than one CR have been written for a particular year, all the CRs for the relevant years shall be considered together as the CR for one year.)

2[If two alternative eligibility conditions are prescribed and the officers satisfying these conditions are considered simultaneously instead of under a "failing which" clause, the DPC may consider the service record of all officers with particular reference to the ACRs (including ACRs in respect of service in the lower grade, if necessary) for the lesser number of years as between the two alternative periods of eligibility service or five years, whichever is longer. To cite an instance, if for promotion to a post in the scale of Rs. 3,700-6,700, it is prescribed in the Recruitment Rules that officers with 8 years' service in the scale of Rs. 3,700-5,000 or those with 17 years' service in Group 'A' including four years service in the scale of Rs. 3,700-5,000 are eligible, the DPC may consider the service record of all officers with particular reference to the ACRs for 8 years (including Annual Confidential Report for service in the lower grade, if necessary).]

- (c) Where one or more CRs have not been written for any reason during the relevant period, the DPC should consider the CRs of the years preceding the period in question and if in any case even these are not available, the DPC should take the CRs of the lower grade into account to complete the number of CRs required to be considered as per (b) above. If this is also not possible, all the available CRs should be taken into account.

- (d) Where an officer is officiating in the next higher grade and has earned CRs in that grade, his CRs in that grade may be considered by the DPC in order to assess his work, conduct and performance, but no extra weightage may be given merely on the ground that he has been officiating in the higher grade.

- (e) The DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs, because it has been noticed that sometimes the overall grading in a CR may be

PROMOTIONS

inconsistent with the grading under various parameters or attributes.

- (f) If the Reviewing Authority or the Accepting Authority, as the case may be, has overruled the Reporting Officer or the Reviewing Authority, as the case may be, the remarks of the latter authority should be taken as the final remarks for the purposes of assessment, provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting Officer, Reviewing Authority and Accepting Authority are complementary to each other and one does not have the effect of overruling the other, then the remarks should be read together and the final assessment made by the DPC.

6.2.2 *Grading of officers.*— In case of each officer, an overall grading should be given. The grading shall be one among (i) Outstanding, (ii) Very Good, (iii) Good, (iv) Average, (v) Unfit excepting cases covered under Para. 6.3.1 (iii).

6.2.3 Before making the overall grading after considering the CRs for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs. The DPC should also have regard to the remarks against the column on integrity.

6.3.1 *Principles to be observed and preparation of panel.*— The list of candidates considered by the DPC and the overall grading assigned to each candidate, would form the basis for preparation of the panel for promotion by the DPC. The following principles should be observed in the preparation of the panel:—

1[(a) *Mode of Promotion.*— In the case of 'selection' (merit) promotion, the hitherto existing distinction in the nomenclature ('selection by merit' and 'selection-cum-seniority') is dispensed with and the mode of promotion in all such cases is rechristened as 'selection' only. The element of selectivity (higher or lower) shall be determined with reference to the relevant benchmark ("Very Good" or "Good") prescribed for promotion.

(b) *'Benchmark' for promotion.*— The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed benchmark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' (i.e., who meet the prescribed benchmark) by the DPC shall be included and arranged in the select panel in order to their *inter se* seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed benchmark) by the DPC shall not be included in

1. Substituted vide Dept. of Per. & Trg., O.M. No. 22011/7/98-Estt. (D), dated the 6th October, 2000.

2. G.I., Dept. of Per. & Trg., O.M. No. 22011/5/86-Estt. (D), dated the 20th June, 1989 and Corrigendum, dated the 13th July, 1989.

3. IV Pay Commission Pay Scale.

1. As amended by O.M. F. No. 35034/7/97-Estt. (D), dated the 8th February, 2002 — Paras. 3.1 to 3.4.

Amended
Bos.
Amended

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH.
CHANDIGARH.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

- 1 FEB 2003

गुवाहाटी न्यायपीठ
Guwahati Bench

O.A.NO.834//CH/2002 DATE OF ORDER:- 7.3.2003

Smt. Anil Grover, Assistant, Office of the Regional
Passport Officer, Sector 34, Chandigarh.

....Applicant.

versus

1. Union of India through Secretary, Government of
India, Ministry of External Affairs, C.P.V. Divi-
sion (Cadre Cell II), New Delhi.

2. Regional Passport Officer, S.C.O.NO.64-65,
Sector 34-A, City Centre, Chandigarh.

3. Shri Ghan Shyam Kansra,

4. Smt. Mamta Kotia

5. Smt. Gurjit Kaur

all working as Assistant in the office of Regional
Passport Officer, Union Territory, Chandigarh.

....Respondents.

CORAM: HON'BLE MR. JUSTICE O.P. GARG, VICE CHAIRMAN.
HON'BLE MR. S.K. MALHOTRA, ADMINISTRATIVE MEMBER

PRESENT: Sh. V.K. Sharma, Advocate for the applicant
Sh. Sanjay Goyal, Advocate for respondents.

O R D E R

JUSTICE O.P. GARG, VC.

The applicant who is working as Assis-
tant in the office of Regional Passport Officer,
Chandigarh, has been denied the promotion to the
post of Superintendent Gr. IV. Her grievance is
that private Respondents No. 3, 4 & 5 namely Shri
Ghan Shyam Kansra, Smt. Mamta Kotia and Smt. Gurjit
Kaur who admittedly were juniors to her have been

CONTD....

Amended
Bans
Dover

- 1 FEB 2003

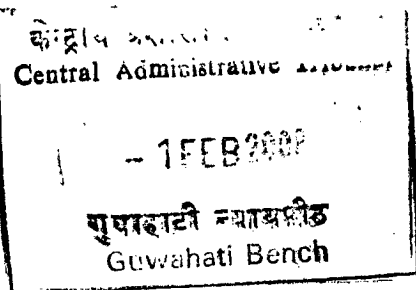
गुवाहाटी न्यायपीठ
Guwahati Bench

un-lawfully allow to march over
prayed that the respondents be directed to
her to the post of Superintendent.

2. A reply has been filed on behalf of respondents No.1 & 2.

3. Heard Shri V.K.Sharma. learned counsel for the applicant as well as Shri Sanjay learned counsel appearing on behalf of respondents No.1 & 2. The private respondents to 5 have not put in appearance to contest case.

4. It is an indubitable fact that she was entitled for being considered for promotion to the post of Superintendent Gr.IV after having put in five years of regular service as Assistant. The post of Superintendent is governed by the Rules (Annexure A-3) known as Ministry of External Affairs. Central Passport Organisation (Group 'B' Posts) Recruitment Rules, 1995. In the schedule, the post of the Superintendent has been shown at Sr.No.1. It is a selection post. The applicant as well as private respondents No. 3, 4 & 5 were considered by a Departmental Promotion Committee. The A.C.Rs of the applicant as well as other private respondents were considered for a period of five years ranging between 1997-98 to 2001-2002. The D.P.C. did not find the applicant as fit for



-3-

promotion. It took an objective decision in the matter based on the assessment of the A.C.Rs of all the candidates who are within the zone of consideration. Shri V.K.Sharma, learned counsel for the applicant drew our attention to the guidelines dated 29.5.2002 (Annexure A-4). Shri Sanjay Goyal, learned counsel for the respondents pointed out that these guidelines were given due consideration by the D.P.C.

5. In our quest to reach the truth, we called for the proceedings of the D.P.C. as well as A.C.Rs of the relevant years of the applicant. After having perused the same, we find that the D.P.C. has selected the respondents No.3, 4 & 5 after judging the comparative merits of the selected candidates vis.a.vis. the applicant. The applicant has been graded lower than the private respondents No.3, 4 & 5.

6. The law on the point is well settled that the over all assessment and the grading made by the Selection Committee cannot be faulted or interfered with by this Tribunal unless it is established that the Committee has acted in a malafide, arbitrary or capricious manner. In support of his contention, Shri Goyal placed reliance on the decision of the Apex Court in the case of Dalpat Abas Shah Shrivastava vs. Dr. R. S. Mahajan. A.I.R. 1990 S.C. 434 in which the Apex Court opined -

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as follows :-

"It is needless to emphasise that it is the function of the Court to hear appeal over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The Court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection or proved malafides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the Court, the High Court went wrong and exceeded its jurisdiction."

A reference was also made to another decision of the Apex Court in the case of State of Madhya Pradesh vs. Srikanth Chapekar, 1992(5) S.L.R. 635 in which the view taken was that the Tribunal was wholly unjustified in reaching the conclusion that the remarks in the Annual Confidential report were vague and of general nature and in any case the Tribunal overstepped in its jurisdiction in reaching the conclusion that the adverse remarks were not sufficient to deny the officer his promotion to the post of Deputy Director. It was further ruled that it is not the function of the Tribunal to assess the service record of a Government servant and order his promotion on that basis. It is for the DPC to evaluate the same and make recommendations.

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केन्द्रीय प्रशासनिक अधिकरण
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Guwahati Bench

ons based on such evaluation. Similar view was taken in the case of Smt. Nutan Arvind vs. Union of India & Another (1998(1) S.L.R. 774) the observations made in para 6 of the said decision read as follows :-

"6. The OPC which is a high-level committee, considered the merits of the respective candidates and the appellant, though considered, was not promoted. It is contended by learned counsel for the appellant that one K.S.Rao was the officer at the relevant time to review the performance of the appellant whereas in fact one Menon had reviewed it. The latter was not competent to review the performance of the appellant and to write the confidentials. We are afraid we cannot go into that question. It is for the OPC to consider at the time when the assessment of the respective candidates is made. When a high-level committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this court cannot sit over the assessment made by the OPC as an appellate authority. The OPC would come to its own conclusion on the basis of review by an officer and whether he is or is not competent to write the confidentials is for them to decide and call for report from the proper officer. It has done that exercise and found the appellant not fit for promotion. Thus we do not find any manifest error of law for interference."

In the case of Durga Devi & Anr. vs. State of H.P. & Ors. A.I.R. 1997 S.C. 2618, the Hon'ble Supreme Court pointed out that the power to judge comparative merits of candidates and fitness for posts is the function of the duly constituted Selection Committee, and the Tribunal cannot sit as an appellate Court and quash selection by itself scrutinising comparative merits of candidates.

There is yet another decision in the case of Enile Kativar vs. Union of India & Ors. 1997(1) S.L.R.

153 in which the scope of judicial review was considered by the Apex Court. Para 4 of the report runs as follows :-

"4. Having regard to the limited scope of judicial review of the merits of a selection made for appointment to a service or a civil post, the Tribunal has rightly proceeded on the basis that it is not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it would not sit in judgment over the selection made by the DPC unless the selection is assailed as being vitiated by mala fides or on the ground of its being arbitrary. It is not the case of the appellant that the selection by the DPC was vitiated by mala fides."

7. In the conspectus law/as cited above, this Tribunal is not supposed to make its own assessment of the comparative merits of the individual candidates and if there is necessity, the matter is to be left for determination by the Selection Committee which comprises of experts. We are of the view that the selection and promotion of the private respondents No.3 to 5 made on the basis of the recommendations of the D.P.C. can not in any manner be interfered with. This O.A. is, therefore, devoid of any merits and is accordingly dismissed, without any order as to costs.

(S.K. MALHOTRA).
ADMINISTRATIVE MEMBER.

MARCH 7, 2003.
KKS.

(JUSTICE D. K. BHARGAVA).
VICE CHAIRMAN.

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12/03/03
Secretary (Adm) / Special Officer (Adm)
Central Administrative Tribunal
Guwahati Bench