

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 379 of 2004

Jabalpur, this the 6th day of May, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Shri Vinod Kumar Kulshrestha, S/o. Shri
Girja Shankar Kulshrestha, aged 56 years,
R/o. 11/IV GP, CPWD Colony, Bharat Nagar,
Shahpura, Bhopal (MP). Applicant

(By Advocate – Ku. P.L. Shrivastava)

V e r s u s

1. Union of India, through : Secretary,
Ministry of Finance, Department of Economic
Affairs (IES Section), New Delhi – 110 001.
2. Advisor/Director, Economic Affairs, Ministry
of Finance, Govt. of India, North Block, New Delhi.
3. Director, Regional Evaluation Office,
Planning Commission, A-22, Anita Colony,
Near Gandhi Nagar, Railway Station,
Jaipur (Rajasthan).
4. R.S. Takran, Joint Director (CACP),
Ministry of Agriculture and Co-operation,
Shastri Bhawan, New Delhi. Respondents

(By Advocate – Shri S.P. Singh)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main reliefs :

“II. to issue appropriate order or direction to the official respondents to constitute a Departmental Promotion Committee for considering the applicant for promotion to Junior Administrative

Grade (JAG) in the scale of pay of Rs. 12000-375-16500/- from a retrospective date and grant him all the consequential and ancillary service benefits including seniority above his immediate junior, who has come to be promoted vide order dt. 10.7.2003."

2. The brief facts of the case are that the applicant is presently functioning as Senior Research Officer in the pay scale of Rs. 10000-15200/-. In the month of June, 1994 the applicant was inducted to Indian Economic Service (hereinafter to be referred as IES) on adhoc basis and was promoted to the post of Assistant Director (EI) and was posted at Indore (Annexure A-1). On 30.12.1997 he was regularized in the IES cadre and was given deemed seniority from 1.10.1991 as is evident from the order dated 28.11.1997/3.12.1997 (Annexure A-2). The applicant was further promoted vide order dated 12th May, 1998 in the senior time scale of Rs. 10,000-15200 with deemed seniority with effect from 5th June, 1996 and was transferred to Planning Commission, New Delhi as a Senior Research Officer. After about 2 months he was transferred in the office of Project Evaluation Office of the Planning Commission at Bhopal in the same capacity. The promotion to the next grade is Junior Administrative Grade in the pay scale of Rs. 12000-16200/- on the basis of seniority cum merit and the bench mark in the confidential report for the same is 'very good'. On 10th July, 2003 the cadre controlling authority issued an order promoting 8 officers of the senior time scale to the junior administrative grade. The applicant was ignored in this promotion. The promoted officers were junior to the applicant. The applicant submitted his representation on 17.7.2003. He sent another reminder but neither the representation has been considered nor any communication of any decision is sent to the applicant. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that since his joining in service he discharged his duties to the utmost satisfaction of his superiors

and his next promotion is for the post of junior administrative grade in the scale of Rs. 12000-16200/- on the basis of senior cum merit. The bench mark in the confidential report for the same is 'very good' and he was never communicated with any adverse CR, and even though he was not promoted and was ignored and was superseded by his 8 junior officers including the respondent No. 4 Shri R.S. Takran. He made representation and also sent reminders but the respondents did not consider his genuine case of promotion. The learned counsel for the applicant has drawn our attention towards Annexure A-4 dated 10th July, 2003. Thus, he is entitled for the reliefs claimed and this OA is liable to be allowed.


5. In reply the learned counsel for the respondents argued that the claim of the applicant was also considered alongwith his seniors and juniors for promotion from senior time scale to the next higher grade i.e. the junior administrative grade of IES and in accordance with the guidelines the procedure for DPC circulated by the DOP&T prescribed that bench mark for the said promotion should be overall 'very good'. The officers were accordingly graded fit and unfit. On the basis of the overall grading the DPC did not find the applicant fit for promotion to the next higher post i.e. to the junior administrative grade. Hence, he has been superseded by his juniors. Thus the action of the respondents is perfectly legal and justified and the Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings, we find that the applicant was also considered for his next promotion i.e. for Junior Administrative Grade by the DPC held on 11th June, 2003 for the vacancies relating to the year 2002-03 and 2003-04. We further perused the relevant ACRs for the years 1997-1998 to 2001-2002 which were considered by the DPC according to the letter dated 27th May, 2004 (Annexure-I). The ACR for the year 1997-1998 of the applicant is 'good' while ACR for the year 1998-1999 is given in two parts i.e. from 1st April, 1998 to 30th June, 1998 the applicant is shown as

'good' while from 13.7.1998 to 31.3.1999 the applicant is shown as 'very good'. Considering all the remarks in the concerned columns the overall gradation for this period of 1998-1999 of the applicant comes to 'very good'. Hence, the ACR of the applicant for the year 1998-1999 is 'very good'. For the year 1999-2000 also the applicant is graded as 'very good'. We have further perused the ACR for the year 2000-2001 closely and minutely and we find that the applicant is graded as 'very good' remark in all the aforesaid years. For the year 2001-2002, we find that in this ACR also the applicant is graded as 'very good' officer. For the vacancies relating to the year 2002-2003 the DPC which met on 11th June, 2003 should have also considered the ACR of the applicant for the year 2002-2003. In the ACR of the applicant for the year 2002-2003 the applicant is graded as 'very good'. But this ACR of the applicant for the year 2002-2003 is not considered by the DPC which was held on 11th June, 2003. The DPC which was held on 11th June, 2003 considered only the ACRs of the applicant for the period from 1997-98 to 2001-2002. The applicant has earned 'very good' remarks in his ACRs for the relevant years. Hence, he should have been considered for his claimed promotion.. We have also perused the letter dated 27th May, 2004 (Annexure-I).

7. In view of the aforesaid circumstances, we deem it appropriate to direct the respondents to convene a review DPC to consider the claim of the applicant. Accordingly, we direct the respondents to hold a review DPC to consider the case of the applicant for the vacancies of 2002-2003, following the observations made above, within a period of three months from the date of receipt of a copy of this order. If the applicant is found fit then he be granted all the consequential benefits from the date his junior has been granted.

8. Accordingly, the Original Application stands allowed. No costs.


(Madan Mohan)
Judicial Member
"SA"


(M.P. Singh)
Vice Chairman