

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 250 of 2003

Jabalpur, this the 16<sup>th</sup> day of December, 2004

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

Nizam Ali, S/o. Shri Munuaver Ali,  
aged about 42 years, Occupation - PGT  
Maths, Jawahar Navodaya Vidyalaya,  
Kanihiwada, Seoni, MP. .... Applicant

(By Advocate - Shri M.K. Verma)

versus

1. Navodaya Vidyalaya Samiti through its Commissioner, Indra Gandhi National Stadium, Near Income Tax Office, New Delhi.
2. Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Bhopal, 160 Zone-II, M.P. Nagar, Bhopal, MP - 462 011.
3. P. Marwaha, Presently Posted as Vice Principal, Patiala, Punjab.
4. Sant Singh, Presently Posted as Vice Principal, West Sikkim.
5. Sunita Tamta, Posted as Vice Principal, Aurangabad, Maharashtra.. Respondents

(By Advocate - Shri O.P. Namdeo for respondents Nos. 1 & 2)

ORDER

By Madan Mohan, Judicial Member -

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

"8.1 to quash the impugned order dated 12.8.2002 (Annexure A-6) whereby the applicant's juniors have been promoted to the post of Vice Principal, in the interest of justice,

8.2 to direct the respondents to promote the applicant to the post of Vice Principal, from the date his juniors have been promoted, in the interest of justice,

8.3 to hold that the act of respondents in not granting promotion to the applicant is bad in the eyes of law, in the interest of justice."



2. The brief facts of the OA are that the applicant was initially appointed on 12.7.90 as PGT (Maths) and was posted at Narshinghpur. He received several commendation letters showing excellent performance in the entire region. One Smt.M.K.Singh was not having cordial relationship with the applicant. The applicant earned displeasure of the Principal, Navodaya Vidyalaya, Bikar, Datiya who was leaving the Vidyalaya, putting the entire responsibility of the Vidyalaya on the shoulders of the applicant without taking any saction of leave and for her personal work, as her family and her husband staying at Jhansi. Then applicant was senior most teacher in the Vidyalaya and was the joint signatory on the cheque book for operating the Vidyalaya's account. Smt.M.K.Singh who was a deputatilist, tried to pursue applicant to sign on the blank cheques but the applicant refused. Hence she got annoyed with the applicant. Therefore, she wrote some adverse remarks in relation with the applicant which are reflected from the adverse reporting. Copy of the adverse report communicated to the applicant by respondent No.2 is filed as Annexure A3. The adverse reararmks had been given by the Principal Smt.M.K.Singh for the year 1998-99 and for the same year the applicant had been warranted certificate of excellence, giving the highest result in the mathematics subjects. The applicant submitted a detailed representation within the stipulated period. The respondent Samiti published an All India Seniority List of PGTs showing position as on 31.3.94. In this seniority list the applicant finds place at Sl.No.330 while the names of respondents 3,4 & 5 are at Sl.Nos. 331,333 and 344 respectively. The respondent department conducted a DPC for permitting teachers i.e. PGTs to the next higher post of Vide Principal and in that list the applicant's juniors i.e. respondents 3 to 5 have been

(A)

promoted, including 53 other juniors to the applicant. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that apparently respondents 3 to 5 are shown below the applicant in the seniority list published by the respondents but due to some adverse remarks on account of personal enmity, the applicant's name was not considered and he was superseded by aforesaid respondents and 53 other juniors. Applicant's service was excellent and his performance was even appreciated. He had submitted a detailed representation against the adverse remarks given by the then Principal Smt. M.K. Singh. The action of the respondents superseding the applicant right from promotion is against rules and procedures laid down and the applicant has been ignored.

4. In reply, learned counsel for the respondents argued that the applicant was not recommended for promotion to the post of Vice Principal by the DPC as the ACR gradings were much below the bench mark. Receiving commendation letters does not mean that the subject teacher is one of the brightest in his subject. ACRs are different documents which reflect besides academic performance of wrong personality of an individual which are before the DPC and promotions are considered on the basis of the recommendations made by the DPC. The DPC considered the promotion of PGTs to the post of Vice Principals based on ACRS and other facts relevant to the promotion. Since the DPC did not clear the name of the applicant at that

(B) 

time, he was not promoted but the DPC held on 25.2.03 recommended the name of Nizam Ali for promotion to the post of Vice Principal and accordingly vide order dated 9.5.03 the applicant was promoted to the post of Vice Principal and he joined the service as Vice Principal, JNV, Seoni. The applicant was never superseded by the respondents for the post of Vice Principal. Hence no irregularity has been committed by the respondents.

5. After hearing the learned counsel for both parties and careful perusal of the records, we find that the DPC was held on 3rd July 2002 for promotion to the post of Vice Principal in Navodaya Vidyalaya Samiti. In the Minutes of the Departmental Promotion Committee meeting, it is mentioned that the exercise involves promotion to a Group-B post for which the mode of selection is selection-cum-seniority with a benchmark of Good. The Committee decided that the candidates having at least 3 ACRs out of last 5 ACRs as Good will be considered having attained the desired benchmark (good). The applicant was not recommended for promotion to the post of Vice Principal on the ground of not having the desired bench mark. In the departmental promotion committee held on 25.2.03, the applicant was considered for promotion and was promoted. It was argued on behalf of the applicant that the DPC held on 3.7.02 intentionally ignored the applicant without any ground and when the applicant filed this OA, then the second DPC was held and considered the promotion of the applicant and he was promoted. This argument seems to be not correct as the present OA was filed on 6th April 2003 while the second DPC was held on 25.2.03. The second



DPC has considered promotion of general candidates and mentioned the names of employees whose names were kept under sealed cover. There seems to be no irregularity or illegality in the action of the respondents. This OA deserves to be dismissed. Accordingly, the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P.Singh)  
Vice Chairman

aa.

पृष्ठांकन सं. ओ/व्हरा..... रक. सुट, दि.....  
इंडियनप्रिंट

- (1) सरकार, दिल्ली वाला
- (2) लगावेलाला जी, दिल्ली वाला
- (3) दस्यर्वी दी, दी
- (4) बांधपाल, दिल्ली वाला

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C.P. recorded Adv.

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