

3

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 34 of 2000

Jabalpur, this the 16th day of September, 2003

Hon'ble Shri Anand Kumar Bhatt, Administrative Member  
Hon'ble Shri G. Shanthappa, Judicial Member

Shri Madhu Kumar Shrivastav,  
S/o. Late Shri L.L. Shrivastav,  
aged 37 years, Resident of 11,  
Ashirwad Apartment, Power House  
Road, Ratlam, (MP) - 457001.

... Applicant

(By Advocate - Shri S.P. Rai holding brief of Smt. S. Menon)

V e r s u s

1. Union of India,  
Through : The Secretary,  
Ministry of Communications,  
Sanchar Bhawan, 20, Ashoka  
Road, New Delhi.
2. Chief General Manager,  
Telecommunications, MP  
Telecom. Circle, Hoshangabad  
Road, Bhopal-462 016.
3. The Divisional Engineer  
Phones, Ratlam (MP).
4. Shri D.S. Paliwal,  
SDE-Officiating, S/o. not  
known, aged about 45 years,  
CTTC, Bhopal (MP).

... Respondents

(By Advocate - Shri B.da.Silva for the official respondents)

O R D E R (oral)

By Anand Kumar Bhatt, Administrative Member -

The present Original Application is regarding promotion  
to TES Group 'B' of the applicant.

2. The facts in brief are that the applicant at the time  
of filing of this application was functioning as Junior  
Telecom. Officer (Cable), Ratlam. He was within the  
consideration <sup>In Zone promotion/</sup> <sub>shown</sub> for appointment to TES Group-B. However  
he was not considered for promotion in the DPC which was held  
on 16.08.1999 and the review DPC held on 26.10.1999 and was

*Sh. — G.*

considered only in the screening committee held on 30.06.2000. The applicant says that he was never communicated with any adverse ACR and he has been issued apprehension letters from the Department and therefore there is no reason why he was over-looked initially for promotion.

2. The respondents in their reply have stated that his case for promotion was considered on local officiation basis by the screening committee but as the applicant was having average service record he was not recommended by the screening committee but could be considered fit for promotion only on 30.06.2000. The respondents have stated that the promotion to the TES Group-B is a selection post and it has to be done according to the established procedure prescribed for such screening.

3. we have heard the learned counsel on both the sides and have perused the pleadings on both the sides carefully.

4. The learned counsel for the applicant wanted to call the C.R. dossier and the minutes of the screening committee through MA No. 163/2001. However it was considered by the Tribunal on 31.01.2001 and it was decided to consider this MA at the time of final hearing. If the learned counsel had any grievance in this regard, he should have made a request to the Tribunal at that time. As regards the apprehension letter Annexure A-3, undated, it was not clear that when it was issued. Annexure A-4 dated 06.09.1999 is a general recommendation letter and it is not clear that, what was the occasion for issue of such a letter. The applicant has been considered fit for promotion in screening committee held on 30.06.2000 and the arguments put-forth by the learned counsel for the applicant that if he was not found fit earlier, how he could be found fit latter on. This argument

does not stand as his latter C.R's might have improved and in any case, in the case of improvement of A.Rs, an officer cannot be punished for ever if he has been overlooked in the past.

5. Original Application does not have any merit and it is accordingly dismissed. No costs.

*G. Shanthkappa*  
(G. Shanthkappa)  
Judicial Member

*Anand Kumar Bhatt*  
(Anand Kumar Bhatt)  
Administrative Member

"SA"

प्रांतिक सं. ओ/व्या. परिवर्तित अव्ययिता:- जबलपुर, दि.

(1) राजिना, नियमालय वर एसोसिएशन, जबलपुर  
(2) विद्यालय विभाग, जबलपुर के नियमालय  
(3) राज नियमालय, जबलपुर के नियमालय  
(4) विद्यालय, जबलपुर के नियमालय

*Recd. on 29/9/03* Smt. S. moni 2094  
*26/9/03* B. elasica - Adx

*26/9/03*  
अधिकारी  
अधिकारी