

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 746 of 2000

Jabalpur, this the 23<sup>rd</sup> day of March, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. G. Shanthappa, Judicial Member

Kunwar Hareram Singh  
Aged about 49 years  
S/o Shri Kunwar Barmeshwar  
Singh, resident of 2089,  
Bank Note Press Colony  
Dewas(M.P.)

APPLICANT

(By Advocate - Shri M.K. Verma)

VERSUS

1. Union of India through  
Secretary, Min. of Finance  
New Delhi.
2. General Manager,  
Bank Note Press,  
Dewas
3. S. Guha, aged about 49  
years Technical Officer  
(Plate Making & Printing)  
Bank Note Press, Dewas

RESPONDENTS

(By Advocate - Shri Harshit Patel on behalf of  
Shri S.C. Sharma)

O R D E R

By M.P. Singh, Vice Chairman -

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

- (i) to quash the impugned order dt.30.11.99  
of promotion by which the respondent no.3  
has been promoted. By which the seniority and  
legitimate claim of promotion of the applicant  
is suppressed by the respondent-department.
- (ii) to direct the respondent department to hold  
the review departmental promotion committee  
within the fixed parameters of recruitment  
rules and to analyse the applicant's case  
for promotion as per the settled norms  
provided by the Govt.of India in its various  
decisions for analyse of confidential roll  
during the departmental promotion committee.



- (iii) to hold that as the respondent department has never communicated any adversity in confidential roll of applicant. Therefore, there is no infirmity in the confidential roll of applicant which can adversely effect the legitimate right of promotion of the applicant.
- (iv) to hold that the departmental promotion committee has not been formed in its true perspective of recruitment rules while providing promotion to the respondent no.3."

2. The brief facts of the case are that the applicant was initially appointed to the post of Junior Machine Assistant on 20.11.1973. Thereafter, he was promoted as Senior Machine Assistant in 1975. He was further promoted to the post of Deputy Technical Officer in the year 1979 on adhoc basis. The adhoc promotion of the applicant was regularised with effect from 26.7.1980. According to the applicant, the next promotional post is of Technical Officer which is a selection post, and the promotion is to be made on the basis of recommendations of the DPC. It is stated by the applicant that he was never communicated any adverse remarks since his appointment. He is senior to respondent no.3 and was suitable officer to be promoted to the post of Technical Officer. He has alleged that the respondents with a malafide intention just to give promotion to the persons of their choice have promoted respondent no.3. Aggrieved by this, the applicant has filed this O.A.

3. The respondents in their reply have admitted that the applicant is the senior most person in the zone of consideration but his performance based on CRs was assessed as 'average' by the DPC as per OM dated 27.3.1997 (Annexure-R-2) for selection post. The minimum bench mark prescribed is 'good' whereas the applicant is not having the bench mark of 'good'. Therefore, the next senior most person i.e. Shri S.Guha whose performance was assessed as 'very good' has been recommended by the DPC for promotion to the post of Technical Officer and accordingly Shri Guha was promoted to the post of Technical Officer with effect from 19.11.1999



