

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No.060/00490/2016

Date of decision: 19.03.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Kuldeep Kaur, w/o Narang Singh, #50, Anand Nagar – A9 Extension),
Tripuri Town, Patiala (Punjab.

...APPLICANT

BY ADVOCATE : Ms. Veena Kumari.

VERSUS

1. Kendriya Vidyalaya Sangathan, 18, Institutional Areas, Shaheed Jit Singh Marg, New Delhi – 110016 through Commissioner.
2. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, SCO 72-73, Sector 31A, Chandigarh.
3. Assistant Commissioner, Kendriya Vidyalaya Sangathan, SCO 72-73, Sector 31/A, Chandigarh.

...RESPONDENTS

BY ADVOCATE: Mr. R.K. Sharma.

ORDER(Oral)

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SANJEEV KAUSHIK, MEMBER(J)

Present Original Application (O.A.) has been filed whereby the applicant challenged memorandum dated 15.09.2015 (Annexure A-2) and 15.10.2015 (Annexure A-3) whereby her representations dated 17.01.2014 (Annexure A-1) / 09.09.2015 (Annexure A-16) submitted in pursuance of order dated 1.11.2013 passed by this Court in OA No.1349/2011, regarding reconsideration of her ACRs for the years 1988, 1989 and 1990 has been rejected. Further prayer has been made that respondents be directed to promote the applicant to the post of PGT from the date her junior was promoted from 3.10.1992 with all consequential benefits.

2. After exchange of pleadings of the parties, the matter came up for hearing. Learned counsel representing the applicant submitted that the applicant who belongs to Scheduled Caste category is seeking invalidation of impugned order, which has been passed pursuant to order of this Court in earlier litigation, directing the respondents to convey the adverse / low benchmark when her case was considered for promotion to the post of PGT i.e. for the year 1991-92.

3. The respondents while contradicting the statement made in OA have submitted that the applicant was not having prescribed benchmark level of the ACRs and that is why she was not promoted. Considering the prescribed benchmark ACRs are to be considered, as such, the applicant was not found eligible for promotion to the post of PGT at that time. Consequently, as per order dated 1.11.2013 passed by this Court in OA No.1349/2011, applicant was conveyed the adverse low benchmark ACR and her case was considered for the first time in 1991-92 to the post of PGT.

4. After considering the reply, the competent authority did not find merit for upgradation of the adverse/below bench mark ACRs communicated to the applicant. It is also stated therein that the applicant was considered for promotion as PGT in the Review DPC meeting held on 30.09.2015 but she was not found fit for such promotion at par with her juniors though she had been promoted in January, 1995 as PGT. Thus, her claim for promotion from an earlier date was rejected by the respondents. The Review Committee while considering the case of the applicant on 30.09.2015, did not found her fit for promotion, as she has below prescribed benchmark in ACRs.

5. We have also perused the ACRs of the applicant for the year 1988, 1989 and 1990, where the applicant has been assessed as average, satisfactory and satisfactory which indeed is below the prescribed benchmark of 'Good' for promotion. Therefore, we accept the plea taken by the respondents that since she was not having the prescribed benchmark from an earlier date, as such, her case has been rejected. A person can claim consideration of his/her case for promotion and not a promotion as a matter of right. The respondents have considered her case as per rules and finding that she was not having the prescribed benchmark, her case has rightly been rejected. Court cannot interfere in DPC proceedings. Thus, we find no reason to interfere with the impugned order, accordingly, present O.A. is dismissed being devoid of merit.

6. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 19.03.2018.

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