

**Central Administrative Tribunal
Principal Bench**

**OA No. 2773/2019
MA No. 3044/2019**

New Delhi, this the 18th day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

R. B. Sharma S/o Late Sadhu Ram,
(Since deceased),
(Thro: LR Smt. Bhagwati Devi Sharma, Wife)
R/o Flat No. b-721, New Sansad Vihar,
Co-op. G. H. S., Dwarka, New Delhi.

.... Applicant.

(By Advocate : Mr. D. P. Sharma)

Vs.

Union of India through

1. The Secretary,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi – 110001.
2. State of Maharashtra thro,
The Chief Secretary,
Govt. Of Maharashtra,
Home Department, 2nd Floor,
Mantralaya, Mumbai-400032.

... Respondents.

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The applicant (who is no more) was an IPS officer of Maharashtra cadre. Considerable litigation ensued with reference to his claim for promotion to the rank of Inspector General (IG). Ultimately, this Tribunal, in OA No. 975/2005 passed an order dated 18.08.2006 setting aside order dated

10.11.2000 and directing the respondents to constitute a Special Review Screening Committee (SRSC) for consideration of his case and in the process, to exclude the ACRs, if written by any officer, junior to the applicant. After the said order became final, the respondents constituted a SRSC, which met on 02.02.2018. The Committee examined the relevant records, duly keeping in view the directions issued by the Tribunal and found that the applicant was not fit to be promoted to the post of Inspector General. The same is challenged in this OA.

2. The applicant contends that the view taken by the SRSC cannot be supported by record and her husband ought to have been declared fit for promotion and thereby for grant of notional promotion and other consequential benefits.

3. We heard, Mr. D. P. Sharma, learned counsel for the applicant at length at the admission stage itself.

4. The issue pertains to the year 1990, when the batchmates of the applicant were promoted to the post of Inspector General and, thereafter, Additional Director General. We have perused the entire minutes of the SRSC. The directions issued by the Tribunal were extracted in detail and several steps were taken to comply with the same. The ACRs of the applicant, pertaining to the year 1982 to 1989

were taken into account and his case for promotion to the post of Inspector General for the year 1990 was considered. On a perusal of the entire record the Committee found the applicant as not fit to be promoted.

5. It is fairly well settled that the Tribunal cannot act as an Appellate Authority in matters of this nature. No technical or procedural defect is pointed out. We do not find any basis to entertain this OA and the same is, accordingly, dismissed. MAs, if any, shall stand disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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