

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A. No.483 of 2003

New Delhi, this the 4th day of March, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri A.P. Nagrath, Member (A)

R.C. Chatrath
S/o Late Shri Faquir Chand Chatrath,
R/o B-90, Amar Colony, Lajpat Nagar,
New Delhi-110024.
Working as Dy. Director (Census) in the office
of DC (SSI), A.G.C.R. Building, 1st Floor,
E Wing, New Delhi-11002.

....Applicant

(Applicant in person)

Versus

1. Chairman, UPSC, New Delhi.
2. Secretary, Small Scale Industries,
Udyog Bhavan, New Delhi.
3. Development Commissioner (Small Scale
Industries)
Nirman Bhavan, New Delhi.
4. Shri R.K. Bansal, Dy. Director, Nirman Bhavan,
designated Director SISI, Imphal.
5. Smt. Sarita Puri, Dy. Director (Vigilance)
and Shri S.V.N. Pillai DD (Admn.),
O/o DC (SSI), Nirman Bhavan,
New Delhi-110011.

.....Respondents

ORDER (ORAL)

By Shri Justice V.S. Aggarwal, Chairman :

The applicant, who is working as Deputy Director (Census) in the Office of DC (SSI), is aggrieved by the order dated 22.10.2002 (Annexure I). By virtue of the said order his junior namely one Shri R.K. Bansal (respondent No.4) has been promoted as Director (Mech.). The applicant's claim has been ignored.

2. By virtue of the present application, the applicant seeks that he should be promoted because he

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has a better claim than the private respondent referred to above.

3. Perusal of the order dated 20.11.2002 reveals that on the representation of the applicant, the Deputy Director (Admn.), Ministry of Small Scale Industries had informed the applicant the fact that his name was not empanelled because he did not meet the benchmark. The relevant portion of the said order reads as under:-

"...ACRs for preceding 5 years were to be seen by the DPC which it had done in its meeting held on 18.9.2002. On the basis of assessment of ACRs, the Committee did not recommend his name for promotion to the grade of Director (Mech). Regarding supersession, it may be stated that it can still take place when a senior gets a grading lower than the prescribed bench mark as he is not empanelled for promotion."

4. This becomes apparent from the representation of the applicant himself which reads as under:-

"5. Evaluation on the basis of A.C.R. is wrong as candidate/Officer serve and work under different conditions. How they can be treated at par. I served three stations during last five years with five officers under rigorous conditions. Some officers have been working at only one popular station under one officer, output of officer cannot be compared."

4. These facts clearly indicate that the applicant's confidential dossiers do not come up to the benchmark which is admittedly 'Very Good'. In that view of the matter till such time the applicant

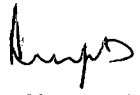
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seeks a relief, in accordance with law, for upgradation of the confidential dossiers, there is no merit in the present O.A.

5. Resultantly, the OA must fail and is dismissed in limine.



(A.P. Nagrath)
Member (A)



(V.S. Aggarwal)
Chairman

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