

GOVERNMENT OF TAMIL NADU

Letter No.68096/per.5/94-1
Personnel and Administrative
Reforms (Per.S) Department
Secretariat
Madras - 600 009
Dated the 20th September, 1994.

From

Thiru. M.Ahmed, I.A.S.,
Special Commissioner and Secretary to Government.

To

The Senior Standing Counsel,
Tamil Nadu Administrative Tribunal,
Madras-600 006 (w.e.)

Sir,

Sub: Courts - Supreme Court of India - Ruling of Supreme
Court of India in a case - Communicated for reference.

Ref: Civil Services News, Vol.7 No.8 August 1994,
published by the Ministry of Personnel, Public Grievances and
Pensions, Government of India.

I am directed to enclose an extract from the journal referred to above for your
reference.

2. The Supreme Court of India, in its judgment in the case of State of Madhya
Pradesh Vs. Shri Srikant Chapekhar (JT 1992 (5) SC 638), has clarified that Courts or
Tribunals are not competent to direct on promotion of a person. They cannot substitute
themselves for a Departmental Promotion Committee, but can merely direct for
consideration/reconsideration of a person or a case in accordance with the Law. It is not the
function of the Tribunal to assess the service record of a Government servant and order his
promotion on that basis.

3. The above ruling may kindly be taken note of and brought to the notice of
the Honourable Tamil Nadu Administrative Tribunal as and when such cases come up for
hearing before the Tamil Nadu Administrative Tribunal.

4. The receipt of this letter may be acknowledged.

Yours faithfully,

sd/-(A.M.JOHN BRITTO)
for SPECIAL COMMISSIONER &
SECRETARY TO GOVERNMENT

Copy to:

All Secretaries to Government,
Departments of Secretariat, Madras-9.

All Law Officers and Government Advocates in the Tamil Nadu Administrative Tribunal.
Sf/Sc.

EXTRACT TAKEN FROM CIVIL SERVICES NEWS VOL.7 NO.8 AUGUST 1994,
PUBLISHED BY THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES &
PENSIONS, GOVERNMENT OF INDIA.

CAT/Courts not Competent to order Promotions

Supreme Court, in its Judgment in the case of state of Madhya Pradesh Vs Shri Srikant Chepekhar (JT1992(5) of SC 638 has clarified that Courts or Tribunals are not competent to direct on promotion of a person. They cannot substitute themselves for DPC, but can merely direct for consideration / reconsideration of a person or a case in accordance with the law. It is not the function of the tribunal to assess the service record of a Government servant and order his promotion on that basis. In view of the Judicial pronouncement, Government has requested all ministries / departments to bring the above ruling to the notice of CAT / Court wherever such cases are coming up before them.

/ True Extract /

Sd/- A.M. John Britto
dated 30.09.1994
SECTION OFFICER