

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P. CT. 184 of 2015

**Tanmoy Samajdar
Vs.
The Union of India & Ors.**

**Present:-
The Hon'ble Acting Chief Justice Sujoy Paul
And
The Hon'ble Justice Chaitali Chatterjee (Das)**

For the Petitioner : Mr. Sudip Krishna Dutta
Mr. Banibrata Roy

For the Respondent/Union of India : Mr. Swapan Krishna Nandi
Ms. Banani Bhattacharya

Heard On : 12.11.2025

Judgment on : 17.11.2025

Sujoy Paul, ACJ.:-

1. In this petition filed under Article 227 of the Constitution of India, the challenge is mounted to the order of Central Administrative Tribunal, Kolkata Bench passed in O.A. 780 of 2010 decided on 23.4.2015, whereby challenge of original applicant to the proceedings of Departmental Promotion Committee for the promotional post of Senior Manager in (IT) was rejected by the tribunal.
2. The admitted facts between the parties are that the applicant was working as a Computer Programmer under the Director, Satyajit Ray Film and

Television Institute, Kolkata. The petitioner, after rendering qualifying service, became eligible for consideration for the promotional post of Senior Manager in (IT).

3. The applicant's case for promotion was considered by the Departmental Promotion Committee (for short 'DPC') on 08.01.2010. The DPC found him as 'not suitable' for promotion for the said post, which has given rise to the said original application.
4. The bone of contention of learned counsel for the petitioner is that the petitioner was the singular eligible person for consideration for promotion on the post of Senior Manager in (IT) in the pay-scale Rs. 10,000 -325-15200/-.
5. Learned counsel for the petitioner by placing reliance on the statutory Recruitment Rules urged that the petitioner was eligible to be considered for promotion. The Promotional post was neither declared as '**selection post**' nor as a '**non-selection post**'. The method of recruitment is 100% by promotion, '**failing which**', by direct recruitment by open advertisement.
6. Learned counsel for applicant by taking this Court to the Annual Confidential Reports of applicant from 2004 onwards (preceding 5 years from the date of DPC) urged that in all the ACRs, the Reporting Officer, Reviewing Officer and Accepting Officer have unanimously opined that petitioner is "**fit for promotion**". There was no adverse ACR, which deprived the petitioner from fruits of promotion. The petitioner being the singular eligible candidate, deserved a fair consideration from the DPC.
7. By criticising the proceedings of DPC, learned counsel for petitioner submits that a bald finding is given by DPC that petitioner was not found

as 'suitable' for promotion for the post of Senior Manager (IT). No *iota* of reason is given by the DPC as to why the petitioner was not found suitable. The reasons are heart-beat of conclusion, is the pivotal submission of learned counsel for petitioner. In absence of reasons, the proceedings of DPC became vulnerable and liable to be interfered with.

8. Learned counsel for the parties fairly informed that since post in question could not be filled up by promotion, it was already filled up by direct recruitment. However, before direct recruitment could take place, the tribunal by order dated 26.03.2010 passed in O.A. 780 of 2010 made it clear that any appointment/selection shall be abide by decision of the OA. Thus, the appointment of direct recruitee was also subject to final decision of the OA. The petitioner's non-selection is arbitrary, unreasonable and not based on any justifiable reason. Thus, DPC proceedings deserves to be interfered with.
9. Learned counsel for the department on the other hand supported the order of learned tribunal. He submits that the DPC is an expert body, which has considered the record of the petitioner and reached to a conclusion, which cannot be interfered with by the Court. The tribunal has not committed any error of law in declining interference.
10. We have heard the parties at length and perused the record.
11. The first and foremost contention of Ld. Counsel for the petitioner was that he was consistently graded by officers in his ACRs as an officer "fit for promotion" and hence DPC could not have treated him as 'not-suitable'. In our opinion, the contention is misconceived. In the prescribed format of ACRs, there exists a column as to whether officer is fit for promotion or not.

If in the opinion of reporting/reviewing/accepting officer, the officer is fit for promotion, that does not mean that officer can be graded as 'suitable' for promotion. The Tribunal rightly held that promotion is not automatic and if aforesaid contention is accepted, the holding of DPC will be a futile exercise. The next contention is that since DPC has not assigned any reason as to why applicant was not suitable, the DPC proceeding stands vitiated. This argument also cannot be accepted, in view of the fact that scope of judicial review against the DPC proceeding is very limited. The Apex Court in ***Badrinath v. Govt. of T. N., (2000) 8 SCC 395*** opined that ordinarily, the court should not scrutinise the assessment made by DPC except on the ground of *mala fide*. In the present case, no malice is alleged by petitioner. The principle of law laid down in the case of ***Badrinath*** (*supra*) was followed by Apex Court in ***Jaginder Singh v. Roshan Lal and Union of India v. A. K. Narula, (2007) 11 SCC 10***. Similar is the view taken by Supreme Court in ***Union of India v. S.K. Goel, (2007) 14 SCC 641***.

12. In this view of the matter, in our judgement, the Tribunal has taken a plausible view which is inconsonance with *ratio decidendi* of the Judgments of Supreme Court.
13. Thus, we find no reason to interfere in this matter, the petition fails and is hereby **dismissed**.

(SUJOY PAUL, ACJ.)

I agree.

(CHAITALI CHATTERJEE (DAS), J.)