

Central Administrative Tribunal, Principal Bench

Original Application No.1022 of 2002

New Delhi, this the 17th day of April, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member(A)

Dr. (Mrs.) Naseem Bhatia
Joint Secretary
University Grants Commission
D-11/113, Kaka Nagar
New Delhi-2

- Applicant

(By Advocate: Shri Rohit K. Aggarwal)

Versus

1. Union of India, through
Secretary
Ministry of Human Resources
Department of Personnel & Training
New Delhi

2. The Chairman
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi

3. Dr. T.R. Kem
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member(A)


Applicant who is a Joint Secretary in the University Grants Commission (in short 'UGC'), is an aspirant for promotion to the post of Additional Secretary. Her claim for promotion was considered by the DPC on 14.2.2002 but due to non-availability of her ACRs in respect of a ~~one~~ period of 3-1/2 years from April, 1995 to September, 1998, she was not considered properly and, in place of her, a Joint Secretary junior to her, namely, Dr. T.R. Kem, has been selected and promoted to the post of Additional Secretary. The said Dr. T.R. Kem has already assumed charge of the post of Additional Secretary on 1.4.2002. Applicant was on deputation to Kazakhstan under

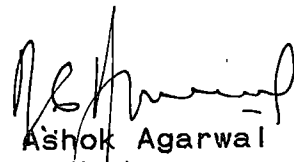
an Indian authority during the period from May, 1994 to September, 1998. She returned to India on 30.9.98 and assumed charge of the post of Joint Secretary in the UGC immediately thereafter. Her ACRs in respect of the period from April, 1995 to September, 1998 were not forwarded by the Indian Authority in Kazakhstan to the applicant's parent department well in time and it is for this reason that her ACRs in respect of the aforesaid period could not be considered by the DPC held on 14.2.2002. Her ACRs in respect of the aforesaid period were received however soon thereafter on 21.2.2002. But by that time, the DPC had already made its recommendation in favour of Dr. T.R. Kem, respondent no. 3 herein. There are only two posts of Additional Secretary in the UGC. Both of these stand filled as of now. While the applicant is set to retire in January, 2003, none of the aforesaid two Additional Secretaries are likely to retire before January, 2003. In the circumstances, aggrieved by her claim for promotion not having been considered properly and fairly, the applicant has filed detailed representations on 26.2.2002 and thereafter again on 30.3.2002. To these, there has been no response from the official respondents so far. The learned counsel appearing on behalf of the applicant has strongly contended that the receipt of the applicant's ACRs in respect of the period in question has been grossly delayed ^{mainly} ~~mainly~~ on account of the failure on the part of official respondents to obtain her ACRs in good time.

2. Having regard to the submissions made by the learned counsel appearing on behalf of the applicant and

the aforestated facts and circumstances, we decide to dispose of this OA at this very stage with a direction to respondent no.2 to consider the aforesaid representations most expeditiously and pass a reasoned and ^a speaking order thereon within a period of two weeks from the date of receipt of a copy of this order. O.A. is disposed of in the aforestated terms.

Issue DASTI.


(S.A.T. Rizvi)
Member(A)


(Ashok Agarwal)
Chairman

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