

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

**OA/021/1275/2012
MA/791/2019 & MASR 2076/2019**

HYDERABAD, this the 20th day of January, 2020



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

Suri Lakshmana Murthy,
S/o. Late S. Lakshmana Prakasam,
Aged about 58 years, Occ: Vice Principal,
Kendriya Vidyalay, Picket,
Secunderabad ó 500 009.

... Applicant

(By advocate: Sri P. Ramachander Rao
for Sri P. Bhaskar)

Vs

1. Union of India rep. by
The Commissioner,
Kendriya Vidyalay Sanghatan (Hqrs.),
No.18, Institutional Area,
Shahheedjit Singh Marg,
New Delhi ó 110 016.
2. Joint Commissioner (Admn.),
Kendriya Vidyalay Sangathan (Hqrs.),
No.18 Institutional Area,
Shahheedjit Singh Marg,
New Delhi ó 110 016.
3. The Dy. Commissioner,
Kendriya Vidyalay Sangathan,
Regional Office, Picket,
Secunderabad ó 500 009.

... Respondents

(By advocate: Mr. M.C. Jacob
for Mr. B.N. Sharma, SC for KVS)

O R D E R (ORAL)

Hon'ble Mr. Ashish Kalia, Judl. Member



MA No.791/2019 filed for condonation of delay is allowed for the reasons stated in the application.

2. The present Original Application is filed u/Section 19 of Administrative Tribunals Act, 1985 with the following prayer:

ö.... to call for the records pertaining to Departmental Promotion Committee meeting dated 13.4.2012 which was convened to consider the candidatures of the candidates to the post of Principal from the Vice Principal cadre and held the same as illegal and arbitrary and violative of Article 14, 16 & 21 of Constitution of India and consequently direct the respondents to promote the applicant as Principal, Kendriya Vidyalaya Sanghathan with all consequential and incidental benefits including arrears of pay and seniority.ö

3. The brief facts of the case are that the applicant joined the Kendriya Vidyalaya Sanghathan as Trained Graduate Teacher (PCM) on 14.8.1984 at Visakhapatnam. Presently he is working as Vice Principal. A Departmental Promotion Committee was convened for considering the candidates for promotion to the post of Principal. As per the applicant, he is within the zone of consideration for promotion to the post of Principal. However, his name did not figure in the list of candidates promoted as Principal, issued vide Memo dated 13.7.2012, though one of his juniorsø name figured in it. He submitted representation dated 19.7.2012 which was answered through the impugned order dated 6.8.2012 informing that he is not within the prescribed bench mark. It is the contention of the applicant that he never

had an adverse remark nor graded below 'Good' which is prescribed as the bench mark from time to time.

4. Notice was issued and the respondents put up appearance and filed reply, stating that the applicant was considered for promotion to the post of Principal but was not empanelled as he was not fulfilling the requisite bench mark grading of 'Very Good'. It is further submitted that as the ACR grading of the applicant was 'Good' & 'Average' and the same was not adverse, it was not communicated to him.

5. Heard Sri P. Ramachander Rao representing Sri P. Bhaskar, learned counsel for the applicant and Sri M.C. Jacob representing Sri B.N. Sharma, learned counsel for the respondents at length.

6. After hearing the learned counsel for the parties at length, we have come across para 6 in page 3 of the reply wherein it is observed that for want of requisite bench mark grading, the case of the applicant has not been considered. While framing relief clause in the O.A, the applicant has not questioned at all the uncommunicated ACRs, without which we cannot pass any order, either in favour or against the applicant.

7. In view of the above, we dispose of this O.A. with liberty to the applicant to seek his remedy in accordance with law. No order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(ASHISH KALIA)
JUDL. MEMBER

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