

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.149/2019

Dated this Thursday, the 08th day of January, 2020

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

Dr. Munish Kumar, Aged 42 years,
presently working as Scientific Officer-F in the Radiation Protection and
Instrumentation Section (RP&IS) in the Radiological Physics and Advisory
Division, CT&CRS, BARC, Anushakti Nagar, Trombay, Mumbai- 94.
Residing at Sarang A-4, Ragonala Complex, Anushakti Nagar, Mumbai-
400 094. - **Applicant.**

(By Advocate Shri Ramesh Ramamurthy)

VERSUS

1. Union of India, Through the Secretary,
Department of Atomic Energy, Government of India,
Anushakti Bhavan, C.S.M. Marg, Appolo Bunder,
Near Gateway of India, Mumbai.
2. The Controller, B.A.R.C., T.C. & T.C.S.C. Secretariat, 3rd Floor,
Central Complex, Trombay, Mumbai- 400 085.
3. Associate Director,
Health, Safety and Environment Group(HSEG),
Govt. of India, BARC, Modular Laboratory,
Trombay, Mumbai- 400 085.
4. The Head, Radiological Physics & Advisory Division(RP&AD),
BARC, CT & CRS Building, Anushakti Nagar,
Trombay, Mumbai- 400 094.
5. Head, Radiation Protection & Instrumentation
Section(RP&IS), Radiological Physics &
Advisory Division(RP&AD), BARC, Modular
Laboratory, Trombay, Mumbai- 400 085.
6. Dr. D. Datta, Head, Radiological Physics & Advisory
Division(RP&AD), BARC, CT & CRS Building, Anushakti Nagar,
Trombay, Mumbai- 400 094.
7. Dr. D.K. Koul, Head, Radiation Protection & Instrumentation
Section(RP&IS), Radiological Physics & Advisory Division
(RP&AD), BARC, Modular Laboratory, Trombay,
Mumbai- 400 085.

8. Dr. K.S. Pradeepkumar, Associate Director,
Health, Safety and Environment Group (HSEG),
BARC, Modular Laboratory,
Trombay, Mumbai- 400 085.

- Respondents.

(By Advocate Shri R R Shetty)

ORDER (oral)

Per: R.N. Singh, Member (J)

Present:

Shri Ramesh Ramamurthy, learned Advocate for the applicant with the applicant in OA, Shri Munish Kumar. Shri R.R.Shetty, learned counsel for the respondents.

2. Heard the learned counsels for the parties.
3. The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 to challenge the communication dated 15.01.2018 whereby his representation against the APAR for the period from 01.07.2016 to 30.06.2017 stated to be below the benchmark has been rejected.
4. In response to the notice issued by this Tribunal, the respondents have filed reply and opposed the claim of the applicant. The applicant has filed rejoinder.
5. However, when the matter is taken up today for final hearing, the learned counsel for the respondents has placed a letter dated 03.01.2020 written and addressed to him by Assistant Personnel Officer, Bhabha Atomic Research Centre,

Trombay, Mumbai which reads as under:-

"Subject: OA No.149 of 2019 filed by Shri Munish Kumar, SO/F, BARC before the Hon'ble C.A.T, Mumbai Bench – rejoinder reg.

Sir,

Please refer to a conference held on 23.12.2019 on the captioned subject.

The Applicant has filed a rejoinder in the OA No.149/2019 against BARC's reply statement dated 11.07.2019 before the Hon'ble CAT, Mumbai Bench.

2. The main contentions of the Applicant in his rejoinder are:
a. Representation dated 29.09.2017 against APAR grading for the year 2016-2017 was not disposed of by the Competent Authority i.e. Director, BARC.

b. To review his APAR grading for the year 2016-17.

2. Now, the Department has decided to re-examine the representation of the Applicant dated 29.09.2017 against the APAR grading for the year 2016-17 and same will be disposed of by the Director, BARC, who is the Competent Authority in this case i.e. above the Accepting Authority.

3. It is, therefore, requested to bring the above stand of the Department to the notice of the Hon'ble CAT, Mumbai Bench and seek necessary directions from the Tribunal during the next date of hearing on 08.01.2020."

6. A copy of such letter has been handed over by the learned counsel for the respondents to the learned counsel for the applicant and the same has been gone through by the applicant also, who is present in Court.

7. In view of the fact that the respondents on their own are ready to get the applicant's representation in the matter reconsidered and

disposed of by the Director, BARC who is the Competent Authority in the case and above the Accepting Authority, the learned counsel for the applicant submits that the OA can be disposed of with a directions to the respondents to give effect to their letter dated 03.01.2020 in a time-bound manner.

8. In view of the aforesaid facts and circumstances, the OA is disposed of with a direction to the respondents to reconsider the applicant's representation against the aforesaid APAR in consonance with the letter dated 03.01.2020, referred to herein-above by passing a reasoned and speaking order as expeditiously as possible and in any case within eight weeks from the date of receipt of a certified copy of this order.

9. However, in the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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