



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3666/2019

Friday, this the 17th day of January 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

Shri Manmohan Singh Rawat, SO
Group B, Aged about 58 years
s/o Late Anand Singh Rawat
r/o House No.1131, Jawahar Colony
NIT, Faridabad 121005
Working in Deptt. of Agriculture Coop & Frmr. Wel.,
Krishi Bhawan, New Delhi

..Applicant

(Mr. D P Sharma, Advocate)

Versus

Union of India through the Secretary

1. Ministry of Information & Broadcasting
Govt. of India, A Wing
Shastri Bhawan, New Delhi – 110 001
2. The Director General, All India Radio
Parsar Bharti, Akashwani Bhawan
Sansad Marg, New Delhi – 110 001
3. The Under Secretary
Ministry of Agriculture & Farmers Welfare
Deptt. of Agri. Coop. & Farmers Welfare
Krishi Bhawan, New Delhi – 110 001

..Respondents

(Mr. S N Verma, Advocate for respondent Nos. 1 & 3 –
Mr. S M Arif, Advocate for respondent No.2)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as UDC in the All India Radio,
the 2nd respondent herein, in the year 2012. At that time, steps



were initiated for promotion of UDCs from various Departments, to the post of Assistant, in the Central Secretariat Service (CSS) from various Departments. Through an order dated 15.06.2012, 19 UDCs from the Ministry of Information & Broadcasting were promoted to the post of Assistant, including some, who were juniors to the applicant. He submitted an application under Right to Information Act, 2005 to know the reasons for his non-promotion in the year 2012. Replies were given and ultimately, the applicant was promoted as Assistant, through order dated 14.08.2013.

2. The applicant filed a detailed representation dated 12.03.2019, stating that he was entitled to be promoted with effect from the date on which his immediate junior was promoted, as Assistant. According to him, he was not considered for promotion in the year 2012 on the ground that his ACRs were not available and that the lapse, if any, in this behalf cannot be attributed to him.

This O.A. is filed with a direction to the respondents to promote the applicant to the post of Assistant with effect from the date his immediate junior has been promoted.

3. Though the applicant was not promoted in the year 2012 even while his juniors were promoted, ultimately, he was extended the benefit on 14.08.2013. It is stated that the



applicant was not considered for promotion in the year 2012 for want of ACRs. The question as to whether the applicant can be held responsible for non-availability of the ACRs or it was on account of delay on the part of the Department, needs to be examined. If the ACRs were not kept ready on account of any lapse on the part of the Department, the applicant cannot be penalized. This, however, is a matter for verification with reference to the relevant rules, and O.M., if any, on the subject.

4. We, therefore, dispose of the O.A. directing 1st respondent to pass order on the representation dated 12.03.2019 submitted by the applicant, within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 17, 2020
/sunil/