

Central Administrative Tribunal  
Principal Bench: New Delhi

OA 613/96

New Delhi this the 17th day of December 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

Dr Bibek Talukdar  
Professor, Paediatrics  
Maulana Azad Medical College  
New Delhi - 110 002.

...Applicant.

(By Advocate: Shri B.C.Baruah)

Versus


Union of India through  
The Secretary  
Department of Health  
Ministry of Health & Family Welfare  
Nirman Bhawan  
New Delhi - 110 001.

...Respondent.

O R D E R (oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

Applicant who joined Maulana Azad Medical College on 17.8.82 as a Lecturer in Paediatrics and redesignated as Assistant Professor on 1.1.83 and was further promoted as Associate Professor on 5.8.86 is aggrieved by the fact that he was not placed in the grade of Professor in August 1990 after completion of 8 years in the grade below in accordance with the recommendations of Tikku Committee and has only been placed as Professor w.e.f. 27.1.95 as per impugned order dated 19.6.95. He has, therefore, filed this application praying that the respondent may be directed to place the applicant in the grade of Professor w.e.f. 14.11.1991, after proper evaluation of his ACRs, with consequential benefits. The applicant has alleged that he has not been served any notice of any adverse entry in his ACRs so far and there is no justifiable reason as to why he should not be placed in the grade of Professor as claimed by him.




2. Respondents in the reply have contended that only Associate Professors who were granted NFSG (Non-Functional Selection Grade) were designated as Professors w.e.f. 1.12.91; that the applicant not having been placed in the NFSG was, therefore, not entitled to be placed as Professor. Regarding the claim of the applicant for placement in the grade of Professor in accordance with para 9 of the OM dated 14.11.91, the respondent contends that his case was considered in accordance with the rules and as he did not get <sup>two</sup> very good entries in the ACRs for the preceding 5 years and did not have overall good performance, he was not recommended for placement. However, when the applicant became eligible and suitable as per the instructions, he has been placed in the grade of Professor by the impugned order. The respondent contends that the action taken by them being bonafide and as per the rules, no interference is called for.

The applicant has filed a rejoinder in which he has contended that he failed to get "very good" entries <sup>in</sup> his ACRs as the Head of Department at the relevant <sup>period</sup> was prejudiced against him.

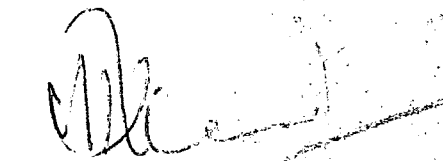
3. We have carefully perused the application and the materials placed on record. The respondent has considered the case of the applicant for placement in the grade of Professor in accordance with the OM in that regard and could not place him in the grade of Professor w.e.f. 14.11.91 as he did not obtain the grading required for such placement in accordance with relevant guidelines. Learned counsel for the applicant argued that as he was not assessed properly by the Head of the Department who was prejudiced against him, it is necessary that the record of his service is called for and a proper assessment is made. We are of the considered view that it is not for the Tribunal to assess the

work and conduct of the officer, but for the Reporting Officer as per the rules. In the application, nothing has been mentioned by the applicant that his reporting officer was inimical against him. The applicant has made some averments in his rejoinder which are only to be noted and rejected, as it can only be considered as an afterthought.

4. In the light of what is stated above, we do not find anything in this application for further deliberation. Therefore, the application is rejected under Section 19 (3) of the Administrative Tribunals Act.



(K.Muthukumar)  
Member (A)



(A.V.Haridasan)  
Vice Chairman (J)

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