

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1904/2000

Thursday, this the 10th day of May, 2001

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

Ms. Urmila Kumari
w/o Shri O.P. Dhupar,
r/o B-90, Sector - 15.
Noida, UP.

..Applicant

(By Advocate: Shri R.P. Kapoor)

Versus

1. Union of India
Ministry of Industries
through its Secretary,
New Delhi.
2. The Planning Commission,
Government of India
through its Deputy Chairman
Yojna Bhawan, Sansad Marg, New Delhi-1.
3. The Under Secretary to the Govt. of India
Planning Commission, Yojna Bhawan,
S. Marg, New Delhi-1.
4. The Competent Authority through
respondent No.3 above.

..Respondents

(By Advocate: Shri N.S. Mehta)

O R D E R (ORAL)

Heard the learned counsel on either side and
perused the material placed on record.

2. The applicant has impugned the respondents' OM dated 17.9.1999 (Annexure A-1) by which the decision of the respondents finding the applicant unfit to cross the E.B. at the stage of Rs.2300/- in the pre-revised scale of Rs. 2000-60-2300-EB-75-3200-100-3500 has been conveyed. The said decision is to take effect from 1.5.1993 and, therefore, the annual increments due to the applicant as on 1.5.1993, 1.5.1994 and 1.5.1995 have not been released. The representation filed by her against

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the said order has been rejected by the respondents by their OM of 30.11.1999 (Annexure A-2). The learned counsel appearing on behalf of the applicant submits that there has never been anything adverse against the applicant on record and further that the DPC, the recommendations of which have been relied upon by the respondents in passing the impugned order of 17.9.1999, was never held. In the circumstances, according to him, the aforesaid impugned order deserves to be quashed and set aside.

3. The learned counsel for the respondents submits that the decision not to allow the applicant to cross the EB as above has resulted essentially from the non-performance of duties by the applicant for sufficient length of time under one officer so as to be able to earn an entry in the ACR at any stage during the relevant period. He also submits that though the DPC was duly held in 1999 but the recommendations made by the same have not been approved by the competent authority.

4. On a perusal of the reply placed on record by the respondents, I find that the aforesaid recommendations made by the DPC were seen by the aforesaid competent authority at the time of applicant's voluntary retirement. It seems, however, that the said authority has not passed a formal order on the aforesaid recommendations made by the DPC. Thus, the recommendations of the DPC cannot be implemented and could not have been implemented in the case of the applicant. Moreover, if the applicant has not worked

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under one officer for sufficiently long time so as to be able to earn an entry in her ACR during the relevant period, the responsibility for the same cannot be placed on the shoulder of the applicant. The respondents are wholly to blame for such a predicament.

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5. For all the reasons mentioned above, the submissions made by the respondents in their reply are found to be devoid of merit. The OA succeeds and the impugned orders dated 17.9.1999 (Annexure A-1) & 30.11.1999 (Annexure A-2) are quashed and set aside. The respondents are directed to pay all the dues to the applicant within a maximum period of two months from the date of receipt of a copy of this order.

6. In the circumstances, the OA is allowed. No costs.

S.A.T. Rizvi

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

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