

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00149/2015

HYDERABAD, this the 10th day of March, 2021



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

Dr. Koppala Konda Venugopal S/o K. Obeiah,
 Chief Research Officer (Retd) aged 61 years,
 Central Water & Power Research Station,
 Khadakwasala, Pune-411 024,
 Presently residing at :
 Type-III, Plot No.69, SF Colony,
 BN Reddy Nagar, Vanasthalipuram,
 Hyderabad-70.

...Applicant

(By Advocate : Mr. P. Bhaskar)

Vs.

1. Union of India
 Represented by the Secretary,
 Ministry of Water Resources,
 Shrama Shakthi Bhavan,
 Rafi Marg, New Delhi-110 001.
2. The Director,
 Central Water & Power Research Station,
 Khadakwasala, Pune-411 024.
3. The Additional Director,
 Central Water & Power Research Station,
 Khadakwasala, Pune-411 024.
4. Joint Director (RSR),
 Central Water & Power Research Station,
 Khadakwasala, Pune-411 024.Respondents

(By Advocate : Mr. T. Hanumantha Reddy, Sr. PC for CG)

ORAL ORDER
(As per Hon'ble Mr. B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The applicant filed the OA aggrieved by the action of the respondents in not considering him by the DPC for 3rd financial upgradation under MACP Scheme, on the pretext that he did not have the Benchmark of "Very Good" in the ACRs for the preceding 5 years commencing from 2007-2008.
3. Brief facts of the case are that the applicant joined the respondents organization as Research Officer in 1986 and rose up to the rank of Chief Research Officer in 2001 and thereafter retired on 31.1.2014. The applicant having availed two promotions was entitled for 3rd MACP in 2011. As the same was not granted for reasons of below bench mark grading in the ACRs, the OA is filed.
4. The contentions of the applicant are that he has represented against the below bench mark grading in 2007-08 & 2008-09, 2010-11, but the same was disposed by the Director instead of the Ministry and hence, the rejection is irregular. Applicant cited the Apex Court judgment in support of his contentions. Even under RTI, when information was sought regarding the competency of the Director, applicant got two replies, one holding the view that the Director is competent and the other, the Ministry.
5. Respondents in their reply statement state that for 3rd MACP with grade pay of Rs.8700 the minimum bench mark is "very good", whereas the

applicant got below bench mark grading in the ACRs of 2007-08, 2008-09 & 2010-2011. Applicant represented to the competent authority, who rejected the representation. Consequently, applicant was not granted the 3rd MACP. The applicant did work directly under the Additional Director for some time due to exigencies of work. Supreme Court judgment in UP Jal Nigam cited by the applicant is not relevant to the case.



6. Heard the respondent counsel and perused the pleadings on record. Applicant counsel was absent and since the case pertains to the year 2015, it was decided to hear and dispose the case.

7. I. The dispute is about non grant of 3rd MACP to the applicant. The reason given by the respondents is that applicant did not get the grading of "Very Good" in the years 2007-08, 2008-09 & 2010-11 by the applicant. Applicant represented to upgrade the ACR, but it was rejected by the Director. The hierarchy in the respondents organisation is Chief Research Officer, Joint Director, Additional Director and Director as stated in the reply statement. Respondents admitted that the applicant did work directly under the Additional Director, due to exigencies of work. However, they did not specify the period and therefore, if the applicant were to work under the Additional Director, it would mean he would be the reporting officer and the Director shall be the reviewing officer. Hence, the Director being the reviewing authority would obviously not be the competent authority to decide the representation. Even the Ministry appears to have not taken due note of this aspect while rejecting the request of the applicant. Moreover, the RTI information and the clarification given to the applicant by the respondents are contrary to each other, which makes it evident that

the respondents themselves are not sure exactly as to who is the competent authority in respect of upgrading the ACRs of the applicant. However, we are of the view that it would be proper for the competent authority in the Ministry above the grade of Director, to re-examine the aspect of upgrading the ACRs in question, of the applicant. Respondents are accordingly directed and depending on the outcome of the review, the aspect of grant of 3rd MACP may be decided. Time period allowed to complete the exercise is 3 months from the date of receipt of this order.

With the above direction the OA is disposed of with no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/