

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

TA/20/0005/2016 (W.P. No.36239/2013)

HYDERABAD, this the 6th day of March, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

S.S. Chowdhary,
S/o. late Koteswara Rao,
Aged about 58 years,
Occ: Supervisor-II, KVIC,
Ro. Vijayarai, West Godavari District.

... Applicant

(By Advocate: Mr. J. Sudheer)

Vs.

1. The Khadi and Village Industries Commission,
Directorate of Forest based Industry (Bee Keeping),
Represented by its Director,
3 Irla Road, Vile Parle (West),
Mumbai ó 500 056.
2. The Khadi and Village Industries Commission
represented by its Director ó State Office,
First Floor, Gandhi Bhavan, Nampally,
Hyderabad ó 500 001.

... Respondents

(By Advocate: Mr. Muzeeb ó Not present)



O R D E R (ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicant joined the service of the respondents in the year 1978 as Supervisor Gr.III. The only promotion earned by him was the one, in the year 2006, to the post of Supervisor Gr.II. The applicant contends that the schemes of ACP & MACP are applicable to the respondent organization, and though he successfully completed two spells of 12 years each, he was not extended the benefit of 2 ACPs. It is stated that in reply to the representation, made by him, the respondents stated that the 1st & 2nd ACPs are denied to him, on account of poor ACRs. The applicant contends that the respondents are not justified in relying on the uncommunicated ACRs. Various other grounds are also urged.

2. The respondents did not enter appearance, much less any reply is filed.

3. We heard Ms. Hemlata Nageshwar Pitlewar representing Mr. J. Sudheer, learned counsel for the applicant.

4. The respondents did not dispute that the scheme of ACP/MACP is in force in their organization. It is true that the 1st ACP becomes extendable to an employee, in case he did not earn promotion in a spell of 12 years, even while being fit to be promoted and the same facility is available in the next spell of 12 years also. A process of selection, is almost on par with the one applicable to promotions is involved. The respondents informed the applicant that the 1st & 2nd ACPs were denied to him on account of poor ACRs.

5. Whatever may have been the circumstances under which, the respondents did not communicate the relevant ACRs to the applicant earlier, they are under the obligation to furnish, not only the ACRs having adverse entries, but also the ACRs below bench mark, in view of the law laid down by the Hon'ble Supreme Court in ***Deva Dutt vs Union of India & Others [2008 (7) SCALE 403]***.



6. Therefore, the T.A. is disposed of, directing the respondents to communicate the below bench mark or adverse ACRs, which are referable to the 1st & 2nd ACPs, to the applicant within a period of two months from the date of receipt of this order. On receipt of the ACRs, it shall be open to the applicant, to make a representation to the competent authority, within four weeks thereafter. The further course of action would depend on the nature of orders which, the competent authority may pass. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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