

Central Administrative Tribunal
Principal Bench
New Delhi.

...

Date of decision: 25.5.1990.

O.A. No. 979/90

Shri R.K. Ramchandani ... vs. ... UOI & Ors.

Shri Madhav Panikar, counsel, for the applicant.

CORAM:

Hon'ble Shri T.S. Oberoi, Member (J).

Hon'ble Shri I.K. Rasgotra, Member (A)

ORDER (oral).

This Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, by the applicant, Shri R.K. Ramchandani, who is a Senior Departmental Representative in the Custom, Excise & Gold (Control) Appellate Tribunal. His grievance is against the adverse remarks pertaining to the Annual Confidential Report of the year 1988-89, communicated to him vide letter dated 12.9.1989 (Annexure 2 to the O.A.). The applicant has submitted representation dated 16.10.1989 against these adverse remarks. But no reply seems to have been received by the applicant so far.

2. The applicant's further plea is that a Selection Committee has been constituted to grant non-functional selection grade to the officers of his category, and because of the adverse remarks, referred to above, his interests are likely to suffer adversely. The learned counsel for the applicant also submitted that in spite of representation made by him, as mentioned above, and no decision having been taken thereon, the adverse remarks pertaining to the year 1988-89, should not, ordinarily, according to the Rules, be taken into consideration by the Selection Committee. In order,

therefore, to avoid any possible prejudice being caused to his interests, he has come up with the present O.A. seeking directions that the adverse remarks pertaining to the report mentioned above, be not taken into consideration for the purpose of granting non-functional selection grade.

3. We have carefully considered the plea put forth by the learned counsel for the applicant. In view of the fact that no decision has been taken on the representation against the adverse remarks, made by the applicant, we direct the respondents to dispose of the representation of the applicant, in this regard, as early as possible, preferably within four weeks from the date of receipt of a copy of this order. In any case, this should be done before the meeting of the Selection Committee for consideration of grant of non-functional allowance, is convened.

4. The applicant will be at liberty to approach this Tribunal in case he is still aggrieved with the decision arrived on his representation by the respondents.

5. With the above orders, the O.A. is disposed of. A copy of this order be sent to the respondents urgently.

I.K. Rasgotra
(I.K. Rasgotra) 23/5
Member (A)

T.S. Oberoi
(T.S. Oberoi) 23/5
Member (J)