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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.676/2004

Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.S.K.Naik, Member(A)

New Delhi, this the 25th day of October, 2004

V.P. Chawla,
Engineer,
Indian Institute of Petroleum,
Dehradun

...Applicant

(By Advocate: Mrs.Prasanthi Prasad)

Versus

1. Central Scientific and Industrial Research,
Through its Director General,
Rafi Marg, New Delhi
2. Indian Institute of Petroleum,
Through its Director,
Dehradun

...Respondents

(By Advocate: Shri Satish Kumar)

Order(Oral)

Justice V.S. Aggarwal, Chairman

The applicant is an Engineer in the Indian Institute of Petroleum under the Central Scientific and Industrial Research (CSIR). By virtue of the present application, he is seeking a direction to respondents 1 and 2 to open the sealed cover proceedings relating to the findings of the assessment and promotion of the applicant in accordance with new assessment and promotion policy and further a direction to quash Annexure A-

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12 O.M. and grant him promotion to the post of Scientist E-I with effect from 1987 with consequential benefits of further promotion and arrears, if any.

2. Some of the other facts relevant can be delineated. The applicant faced disciplinary proceedings. He was exonerated in the year 2001 vide order dated 18.6.2001.

3. It becomes unnecessary for us to go into all other facts because it is not being disputed at either end that the claim of the applicant had been kept in the sealed cover in the year 1989. It is being admitted that the sealed cover proceedings are not traceable with the respondents.

4. Keeping in view the abovesaid facts, on 8.7.2004 the respondents had issued the following office memorandum:

"Sub: Assessment Promotion of Sh. V.P. Chawla from Scientist-C w.e.f. 26.7.87 under NAPP.

In pursuance of CSIR letter No.36-28(93)2004-law/356 dated 1.7.2004 Shri V.P. Chawla, Scientist-C is informed that the sealed cover proceedings containing the recommendations of Assessment Committee, which met on 25.2.89 to consider his case for assessment promotion from Scientist-C to Scientist-E.I w.e.f. 26.7.87 is not traceable because the COA/IP in whose custody the sealed cover was kept has expired on 19.2.1990.

It has, therefore, been advised by the CSIR that Shri Chawla may be reassessed by a review committee constituted afresh as per Rule and if recommended he may be promoted with retrospective effect with all consequential benefits.

Sd/-
(S.K. Sadana)
Controller of Administration"

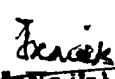
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5. This clearly shows that the respondents have already directed that a review committee has to be constituted to consider the claim of the applicant keeping in view the abovesaid facts, particularly the missing sealed cover proceedings.

6. When the matter is still under consideration, it will be unnecessary for us to express any opinion because the basic facts to which we have referred to above were not disputed at either end.

7. Resultantly, we dispose of the present petition directing respondents 1 and 2 to consider the claim of the applicant in accordance with law and rules preferably within four months of the receipt of the certified copy of the present order.


(S.K. Naik)
Member(A)


(V.S. Aggarwal)
Chairman

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