

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

....

original Application No. 492 of 2001.

this the 11th day of May 2001.

HON'BLE MR. SKI NAQVI, MEMBER(J)

B.P. Ram, aged about 52 years, S/o Sri Ram Kishan, R/o
1496-B, LIG Awas Vikas Colony Panki Road, Kalyanpur,
Kanpur.

Applicant.

By Advocate : Sri Rakesh Verma.

Versus.

Union of India through the Secretary, Ministry of Agriculture,
Krishi Bhawan, Dr. Rajendra Prasad road, New Delhi.

2. The Director, Indian Institute of Pulses Research,
Indian Council of Agricultural Research, Kanpur.

3. The Director General, Indian Council of Agricultural
Research, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi

Respondents.

By Advocate : Sri A.M. Tripathi for Sri R.C. Joshi.

O R D E R (ORAL)

The applicant has a case that he has been working as Assistant in the Indian Institute of Pulses Research, *Since* Kanpur, 6.1.1989. When the promotion to the post of Supdt. was considered, the claim of the applicant was ignored and junior to him namely Sri Anil Kumar Saxena has been promoted. It has also been pleaded on behalf of the applicant that to the best of his knowledge, he is having quite good standard of confidential remarks and never called-upon for any lapses on his part. The applicant takes it as gross in-justice and discrimination done to him for which he preferred a representation, a copy of which has been annexed as Annexure-7 to the O.A., which was delivered on 4.9.2000, but no decision taken thereon sofar.

SC: -

Therefore, he has come-up seeking relief to the effect that the respondent no.3 may be directed to decide the pending representation. The applicant has also filed a copy of the seniority list wherein the name of the applicant finds place~~at~~ at sl. no. 1, whereas the name of ~~the~~ Sri Anil Kumar Saxena stands at sl. no. 2. Annexure-2 to the O.A. is the recommendation of the Departmental Promotion Committee (DPC in short) wherein Sri Anil Kumar Saxena has been recommended for promotion to the post of Supdt., whereas the applicant ^{does} ~~has~~ not find his name in this list.

2. The prayer has strongly been opposed by the learned counsel for the respondents mainly on the ground that the post of Supdt. is promotional post through DPC and, therefore, the seniority could not be a sole criteria for recommendation.

3. Keeping in view the facts and circumstances of the matter, I find it expedient to direct the respondent no.3 to decide the pending representation of the applicant (Annexure A-7 to the O.A.) within a period of four months from the date of communication of this order and incase the grievance of the applicant is not redressed, a detailed speaking order be passed with copy to the applicant.

4. The O.A. stands decided accordingly with no order as to costs.

Sac nay

MEMBER (J)

GIRISH/-

MA 4218/01

OA 492/01

11.10.2001

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Case called. None appeared as the learned advocates have struck the work on account of call given by the Bar Association. I have heard Shri P.S. Syal Assistant Administrative Officer in person for the respondents.

M.A. 4218/01 is for extension of time granted by this Tribunal for deciding a representation dated 4.9.2000 filed as Annexure 7 of OA 492/01. On their own showing order of this Tribunal dated 11.5.2001 was received on 18.5.2001. The representation was already pending for more than 8 months when this order was passed. Nothing has been said why the representation was kept pending for 8 months. Four months period granted by this Tribunal has also been found insufficient to decide the representation. The total period thus taken is more than a year. Hon'ble Supreme court in case 'S.S.Rathore Vs State of Madhya Pradesh, AIR 1990 S.C. Pg-10 has already directed that Departmental appeals and representations should be decided within a period of three months to six months. The direction of Hon'ble Supreme court is law for entire country under ^{Article} 141 of the Constitution. Authorities of ICAR and other sister units should keep the aforesaid direction of Hon'ble Supreme court in mind, ~~be~~ ^{it is} always desirable to decide the representations filed by the employees of the Institute as early as possible. With the hope that henceforth the aforesaid observation shall be given respect, two months time prayed is granted. MA 4218/01 is disposed of.

VICE CHAIRMAN

Uv/