

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 045/00060/2021

Date of Order: This, the 1st April 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Shri Pekyom Ringu, IFS
 Conservator of Forest
 (Eastern Working Plan)
 Namsai & i/c Chief Conservator of Forest
 (Central Arunachal Circle) Pasighat
 East Siang District
 Arunachal Pradesh
 Pin – 791102.

... Applicant

- Versus -

1. Union of India
 Represented by the Ministry of
 Environment of Forest and Climate Change
 Ministry of Ayush, AYUSH Bhawan
 B Block, GPO Complex, INA
 New Delhi – 110023.
2. Sri P.N. Ranjit Kumar
 Joint Secretary to the Government of India
 Ministry of AYUSH, AYUSH Bhawan
 B-Block, GPO Complex
 INA, New Delhi – 110023.

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3. Union of India

Represented by the Secretary
To the Government of India
Ministry of AYUSH, 'B' Block
GPO Complex, INA, New Delhi – 110023.

...Respondents.

For the Applicant : Sri M. G. Singh & Ms. U. Das

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):-



This O.A. has been filed by the applicant for quashing and setting aside the order dated 25th November 2020 whereby rejected the prayer of the applicant made in his representation dated 08.06.2020.

He is also asking for quashing and setting aside the order dated 6th January 2021 whereby the Under Secretary to the Govt. of India rejected the case of the applicant for upgradation of grading in his APAR for the year 2018-19.

2. Sri M.G. Singh, learned counsel appearing for the petitioner submitted that on receipt of communication/rejection order dated 25.11.2020, applicant did make representation before the

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respondent No. 3 i.e. Secretary to the Govt. of India, Ministry of AYUSH on 24.12.2020. However, status on the said representation dated 24.12.2020 has not received by the applicant till date. Rather he has also not received any communication from the respondent No.

3. Hence the applicant has approached this Tribunal for a direction upon the respondent No. 3 to consider his case by referring the matter to the Referral Board for review as laid down under Rule 9 (8)(a) & (b) of THE ALL INDIA SERVICE (PERFORMANCE APPRAISAL REPORT) RULES, 2007.

3. On query to Sri M.G. Singh, learned counsel for the applicant as to when the respondent No. 3 had received the said representation of the applicant dated 24.12.2020, it was replied by Sri Singh that said letter was sent to the respondent No. 3 by email. As the matter relates to upgradtion of grading in the APAR for the year 2018-19 and as the matter is pending before the President of India, we deem it fit and proper to send back the matter to the respondent No. 3 i.e. Secretary



to the Govt. of India, Ministry of AYUSH to consider the case of the applicant and take a decision at their end. Accordingly, without going into the merit of the case and without issuing notice upon the respondents, O.A. is disposed of by directing the applicant to submit this O.A. before the respondent No. 3 within a period of fifteen days from the date of receipt a copy of this order. On receipt of said O.A., the respondent No. 3 shall treat the same as a comprehensive representation and dispose of it by passing a reasoned and speaking order within a period of three months thereafter.



4. Whatever decisions to be passed by the respondent No. 3 shall be communicated to the applicant forthwith.

5. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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