

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA No.1792/2021  
MA No. 2268/2021**



New Delhi, this the 7<sup>th</sup> day of September, 2021

(Through Video Conferencing)

**Hon'ble Ms. Manjula Das, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Bidyut Ranjan Acharyya,  
Retd. Asst. Commissioner, Group 'A'  
Aged about 68 years,  
S/o Late Sh. Bijoy Ranjan Acharyya,  
R/o 78, Suruchi Apartments,  
Plot No.31, Sec.10, Dwarka,  
New Delhi – 110 075. ...Applicant

(By Advocate: Sh. M.K. Bhardwaj)

Versus

1. Union of India  
Through, its Secretary,  
Ministry of Agriculture & Farmer Welfare,  
Department of Animal Husbandry,  
Dairying & Fisheries,  
Krishi Bhawan, New Delhi.
2. The Jt. Secretary (Admn.),  
Department of Animal Husbandry,  
Dairying & Fisheries,  
Krishi Bhawan, New Delhi. ...Respondents

(By Advocate: Sh. Y.P. Singh)



## ORDER (ORAL)

**Hon'ble Ms. Manjula Das, Chairman**

This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- “(i) *To direct the respondents to consider the claim of the applicant for grant of Financial Upgradation under DACP Scheme as per order dated 08.08.2018 by ignoring the ACRs/APARs for the period 2004-05, 2006-07 and 2007-08 and grant the applicant all due upgradations along with arrears of pay.*
- “(ii) *to declare the ACRs/APARs for the period 2004-05, 2006-07 & 2007-08 as invalid for all purposes and treat the said period as non reporting period.*
- “(iii) *to direct the respondents to grant promotion(s) to the applicant in time bound manner as per DACP Scheme w.e.f. 25.08.2006 with all consequential benefits including arrears of pay and interest at GPF rates.*
- “(iv) *to quash and set aside the impugned letter dated 21.08.2018 and order dated 22.11.2011 and direct the respondents to grant the same benefit of promotion to the applicant as granted to similarly placed persons vide order dated 23.03.2002 (A-1).*
- “(v) *to allow the OA with cost.*
- “(vi) *To pass such other and further orders which their lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case.”*



2. The applicant was appointed as Senior Technical Assistant (Livestock) against Veterinary post in the respondents' organization in June, 1984 on the recommendations of UPSC. He was subsequently appointed as Assistant Livestock Officer through UPSC and was granted 1<sup>st</sup> promotion as Assistant Commissioner after completion of 15 years of service. In order to curb the acute stagnation in the cadres, ACP and MACP Schemes were notified on 09.08.1999 and 19.05.2009 respectively. It is the case of the applicant that apart from the above Schemes, the Govt. of India also notified Time Bound Financial Upgradation Schemes for Scientists as well as Veterinary Doctors known as Dynamic Assured Career Progression (DACP) Scheme in 2008.
  
3. Learned counsel for the applicant contended that when the applicant and other Veterinary doctors were not granted the benefit of DACP Scheme, they filed OA and on dismissal of the same a Writ Petition No.2780/2016 was filed before the Hon'ble High Court of Delhi, which was allowed vide judgment dated 20.10.2014, and upheld by the Hon'ble Supreme Court. Consequently, the respondents issued order dated 08.08.2018 granting benefits of DACP Scheme to Veterinary officers.



4. Learned counsel further contended that the applicant, apprehending that adverse remarks may affect his claim for DACP, submitted representation dated 16.08.2018 to the respondents with a request to ignore his ACRs for the years 2004-05, 2006-07 & 2007-08 while considering his claim for grant of benefit under DACP Scheme. The said representation of the applicant was not accepted by the respondents vide order dated 22.11.2011, which was never communicated to him. The applicant again submitted a representation dated 16.08.2018 and the respondents in response thereto passed an order dated 21.08.2018 and communicated the same along with earlier rejection order dated 22.11.2011. He also stated that the said order dated 22.11.2011 was a non-speaking one. Aggrieved by the same, the applicant filed OA No.4133/2018 before this Tribunal, which was disposed of as withdrawn vide order dated 31.01.2018 with liberty to the applicant to file the OA, as and when the cause of action arises.

5. Learned counsel for the applicant contends that vide order dated 23.03.2020, the respondents have granted promotions under DACP Scheme to similarly placed persons, including juniors, by ignoring the claim of the



applicant and his apprehension while filing OA No.4133/2018 came to be true.

6. We heard Mr. M.K. Bhardwaj, learned counsel for applicant and Mr. Y.P. Singh, learned counsel for respondents.

7. As the representation of the applicant dated 16.08.2018 has not been decided by passing a detailed, speaking and reasoned order, learned counsel for the applicant contends that the applicant would be satisfied if his above representation is decided by passing a speaking order within a fixed timeframe, by taking into account the infirmities in the impugned APARs as described by the applicant in a table at page nos. 16 & 17 of the Original Application.

8. In this view of the matter, we dispose of the O.A. at the admission stage itself, with a direction to the respondents to consider and decide the representation dated 16.08.2018 of the applicant by passing a speaking order, within a period of three months from the date of receipt of copy of this order, under intimation to the applicant. We make it clear that we have not expressed any opinion on the merits of the matter.



This order has been passed in the presence of the learned counsel for the respondents.

9. The applicant is, however, at liberty to assail the order, if his grievance still persists, in accordance with law.

10. Pending MAs, if any also stand disposed of accordingly.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Manjula Das )**  
**Chairman**

/jyoti/Mbt/dd