

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1183 of 2003

Dated : This the 09th day of October, 2003

HON'BLE MR. JUSTICE R.H.K. TRIVEDI, V.C.
HON'BLE MR. D.R. TIWARI, MEMBER (A)

Anand Kishore Sahay,
S/o Shri J.K. Sahay,
Working as Scientist 'E'
in the Department of Defence Research
& Development Organization, in the
Office of Instruments Research &
Development Establishment, Dehradun
H/o E/4, Kewal Vihar Colony,
Sahastra Dara Road,
Dehradun - 248 008 (Uttranchal)

.. Applicant.

(By Advocate : Shri K.C. Sinha and
Shri A. Srivastava)

:: V E R S U S ::

1. Union of India Through Secretary, Ministry of Defence, New Delhi.
2. Scientific Adviser to Raksha Mantri & Secretary, Department of Defence Research & Development organization and Director General, Research & Development, Ministry of Defence Room No. 137, South Block, New Delhi - 110 011.
3. Director, Directorate of Personnel, B-Wing Sena Bhawan, Room No.241, Defence Research & Development Organization, D.R.D.O. New Delhi-110011.
4. Director, Recruitment and Assessment Centre, Defence Research Development Organization RAC House, Lucknow Road, Timarpur. Delhi - 110054.
5. Director, Instruments Research & Development Establishment, Raipur Road, Dehradun - 248008 (Uttranchal)
6. Shri J.A.R. Krishna Moorty, Director I.R.D.E., Raipur Road, Dehradun 248008 (UA).

7. Chief Controller, Research & Development
CC (R&D) (ECS) & DS, B- Wingh, Sena
Bhawan, Room No. 157, Defence Research
& Development Organization, DHQ P.O.
New Delhi - 110 011.
8. Chairman, Recruitment and Assessment,
RAC House, Lucknow Road, Timarpur.
Delhi - 110 054.

.. Respondents.

(By Advocate : Shri R.C.Joshi)

O R D E R

By Hon'ble Mr. Justice R.R.K.Trivedi, V.C.

We have heard Shri K.C.Sinha, learned counsel for the applicant and Shri Chandrika Prasad, holding brief of Shri R.C.Joshi, learned counsel for the respondents.

2. By this O.A., under section 19 of Administrative Tribunals Act 1985, applicant has prayed for a direction to respondent no. 2 to convene a review DRDS Assessment Board for assessment of 2002 & 2003 and consider the claim of the applicant after ignoring the down grading remark given by the respondent no. 5, which was not communicated to the applicant and he was unaware about the same.
3. The grievance of the applicant is that he was serving as Scientist 'E' in Instruments Research & Development Establishment Raipur Road, Dehradun. Since 1998, the applicant was due for promotion as Scientist 'F'. The assessment board for the same held meeting on 02.04.2003. However, the applicant was not selected for promotion. The result was declared on 30.06.2003. Aggrieved

by which applicant has approached this Tribunal.

4. Learned counsel for the applicant has submitted that applicant was awarded out-standing entries throughout his career. However, in respect of assessment year, 2002 though reporting officer and reviewing officer gave out-standing remark to applicant, but second reviewing officer namely respondent no.6 gave only very good remarks to applicant and, thus, the applicant was dropped and was not ~~selected as candidate~~ ^{for promotion as} Scientist 'F'. The submission of the applicant's counsel is that it amounted to down grading and applicant ought to have been given opportunity of hearing before awarding the entries. Learned counsel for the applicant relied on the judgment of Hon. Supreme Court U.P.Jal Nigam and Others Vs. Prabhat Chandra Jain & Others 1996 SCC (I&S) page 519. Learned counsel for the applicant has also submitted that before coming to this Tribunal a detailed representation was filed before respondent no.2, a copy of which has been filed as Annexure VIII. However, the representation is still pending and has not been decided. It is submitted by the learned counsel for the applicant that respondent no.2 may be directed to decide the representation of the applicant ^{as} expeditiously and if the representation is allowed ^{then} to hold a reviewing assessment board for consideration of applicant for promotion from Scientist 'E' to Scientist 'F'.

5. Considering the facts and circumstances, in our opinion, ends of justice shall be served if the respondent no.2 is directed to decide the representation of the applicant expeditiously ^{as} by a reasoned order and if the down grading of the applicant is found unjustified, the relief may be granted to applicant by re-consideration of case for his promotion from Scientist 'E' to Scientist 'F'.

6. The O.A. is accordingly disposed of finally with the direction to respondent no.2 to consider and decide the representation of the applicant (Annexure-VIII). within 3 months from the date a copy of the order is filed. To avoid delay it shall be open to applicant to file fresh copy of the representation alongwith the copy of this order including additional points. if applicant is advised to raise in support of his contention.

7. There will be no order as to costs.

Dhara
Member (A)

L
Vice-Chairman

Brijesh/-