



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 624 of 2004

Applicant(s) Rabindra Nath Dash Respondent(s) Union of India and others

Advocate for Applicant(s) M.S.R. K. Sahoo Advocate for Respondent(s).....

R. Bahal

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

I.P. for P.R. filed.

For registration please.

DS
22/9/04

SACLS
R.B.
22/9/04

DR
22/9/04

Registration
22/9/04

REGISTER

22/9/04

Registers

Order dated 23.09.04

Heard Miss R. Bahal, Ld Counsel for the applicant and Mr. Ashok Mohanty, Ld. Sr. Counsel for the Respondents, on whom a copy of O.A. has been served.

The applicant's grievance is that the Respondents held a DEC for promotion to the post of PGT (Physics) in the year 2002, where

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for Admision with
Intermediates -
Copy of OA served.

DS
22/9/04

Bench

Or. 21. 23.9.04

Copies of order
alongwith copies of
OA sent to all
respects. and copies
of said order prepared
for counsels for both
sides

Jh
30/9/04
S. 13

his juniors were considered, but he was left out for the zone of consideration, and, accordingly, his name did not ^{find} ~~found~~ place in the list of promotion of PGT(Physics) for the year 2003-04. He had submitted several representations dt. 26.12.03, 12.1.04 and 20.7.04 against his non-consideration, addressed to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Bhubaneswar and on one occasion made representation dt. 12.1.04 to the Assistant Commissioner Administration, New Delhi. He had also submitted his grievance before the Grievance Officer, Kendriya Vidyalaya Sangathan, Regional Office, Bhubaneswar, but without any effect. It has also been disclosed by the applicant by producing a letter dt. 12.1.04 at Annexure-9 that the particulars of the applicant were not forwarded by the Principal of the school together with photocopies of ACR for consideration by the DCP, which was held during the year 2002, and it was forwarded subsequently along with his letter dt. 12.1.04.

From the above disclosures, it is clear that the case of the applicant might not have been considered by the DCP, because of non-receipt of the particulars, which were necessary for preparation of the

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	<p>materials for consideration by the DFC.</p> <p>In this view of the matter, it would suffice, if we would direct the Respondents to take due notice ^{of} to the representations submitted by the applicant and also the disclosures made by the Assistant Commissioner Kendriya Vidyalaya Sangathan Regional Office, Bhubaneswar by his letter dt.12.1.04 that while furnishing the particulars for promotion to the post of PGT, principal Kendriya Vidyalaya, Bhubaneswar had not submitted the ACRs of the applicant vide his letter dt.10.12.02 because of which the applicant could not be considered for promotion by the DFC for the year 2003-04. The Respondents are also directed to hold a review of DFC to consider the case of the applicant sooner than later and under no circumstances beyond 90 days from the date of receipt of this letter, and the result of the DFC to be indicated to the applicant within 30 days of the holding of the DFC thereafter. Needless to observe here that in case the applicant is found fit for promotion, he will be entitled to all consequential benefits from the date his juniors ^{were} promoted to the post of PGT grade.</p> <p>With the above observations and direction this O.A. is disposed of at the stage of admission.</p> <p>Liberty is also given to the applicant that if his grievance is not settled within the time of 120 days as stipulated above,</p>

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to approach the Tribunal, if so advised.

Liberty is also granted to the Respondents to approach the Tribunal during the period, Respondents along with the O.A. if so advised. Send copies of this order to the Respondents along with the O.A.

Chairman 23/9
Vice-Chairman

Member (J)