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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.343 OF 2007

Cuttack this the 3<sup>rd</sup> Day of February, 2010

CORAM:

THE HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER  
AND

THE HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

N.Sethy ...Applicant

-VRS.-

Union of India & Ors.

ORDER

This Original Application has been filed with the following prayers:

“To promote the applicant to the post of UDC from the date earlier to the date of promotion of his junior-Respondent No.6 or from the date on which the Respondent No.6 is promoted i.e., 23.7.1999, to allow consequential, financial and service benefits to the applicant and to correct the gradation list of the U.D.C.”

2. We have heard the learned counsel for the applicant and Shri U.B.Mohapatra, learned Senior Standing Counsel for the Respondent-Department and perused the materials on record.

3. As it reveals from the record, due to adverse remarks in the A.C.R. of the applicant for the year 1994-95 he could not be considered fit for promotion to the grade of U.D.C. and that it is not a fact that these adverse remarks had not been communicated to him. We have gone through the communication dated 24.11.1995 communicating the



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purported adverse remarks in the ACR of the applicant. We do not find any adverse remarks to have been communicated to the applicant although no overall grading in the ACR finds place. Be that as it may, it is not disputed at the Bar that the applicant has acquired the minimum Benchmark required for promotion to the post of U.D.C. This being the situation, we are of the view that the Respondent-Department have acted illegally in not promoting the applicant to the grade of U.D.C. when his junior – Respondent No.6 was so promoted.

4. In the circumstances, it is directed that the Respondent-Department should convene a review DPC and consider the case of the applicant for promotion to the grade of U.D.C. with effect from the date his junior Respondent No.6 was so promoted. This exercise shall be completed as expeditiously as possible, at any rate, within a period of sixty days of the receipt of this order.

5. In the result, the O.A. is allowed to the extent indicated above. No costs.

  
(C.R. MOHAPATRA)  
ADMINISTRATIVE MEMBER

  
(K. THANKAPPAN)  
JUDICIAL MEMBER