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O.A.No. 216 of 2011

Bidyutprava Moharana ... Applicants

-vs-

Union of India and others ... Respondents

Order dated the 27th April, 2011.

C O R A M

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)
A N D
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

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It appears from the record that in terms of the DOP&T
OM No. 21011/1/2010-Estt.(A) dated 13.4.2010, vide letter under
Annexure-1 dated 6th January, 2011, the the appilcant was
communicated the final 'remarks/grading' given in the ACRs of
the Applicant for the period 2007-08. The Applicant submitted her
representation to the Respondent No.3 on 21.01.2011, requesting
expunction of the remarks/grading given in her ACRs for the
period 2007-08. The representation was rejected and reason of
rejection was communicated to her in letter under Annexure-4
dated 21st February, 2011. The relevant portion of the reason of
rejection communicated to the applicant in Annexure-4 reads as
under:

"2. The applicant attended the office only for
64 working days in the year 2007-08 (26-09-2007 to 11-
11-2007=31 days & 16.2.2008 to 31-03-2008=31 days (**in
total 64 days**). Therefore, in such a small number of
days her contribution cannot reach the Bench mark
level howsoever efficient he/she may be." (Emphasis
supplied).

(Signature)

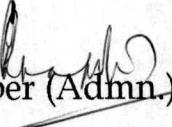
As it further appears from record, the Applicant filed appeal against the remarks/grading as also order of rejection in Annexure-4, to the Director General (LW), Respondent No.2 on 14th March, 2011 in Annexure-5 and, thereafter, he has approached this Tribunal in the present OA filed on 11th April, 2011 (within less than one month) seeking to quash the remarks/grading given in her ACR for the period 2007-08 and the letter of rejection in Annexure-4. By way of interim relief she has prayed to direct the Respondents not to fill up the post of Head Clerk Cum Accountant.

2. Heard and perused the materials placed on record. Going by the remarks/grading given in the ACR for the period 2007-08, the order of rejection under Annexure-4, we are of the *prima facie* view that the same is not in accordance with the GI, DP&AR OM No. 51/3/74-Estt.(A) dated 22nd May, 1975. However, since the applicant has approached this Tribunal just before one month of making the appeal, we are not inclined to admit this OA. Hence, with the consent of Learned Counsel for both sides, this OA is disposed of at this admission stage with direction to the Respondent No.2 to consider and dispose of the appeal preferred by the Applicant under Annexure-5 with reference to the GI, DP&AR OM No. 51/3/74-Estt.(A) dated 22nd May, 1975 and

communicate the result thereof to the Applicant, in a reasoned order within a period of 45(forty five) days from the date of receipt of copy of this order. Since the interim relief sought by the applicant is different/distinct to the issue under challenge in this OA we see no justification to grant the same.

3. Send copy of this order along with OA to the Respondent No.2. Free copy of this order be given to Learned Counsel for both sides.


Member (Judicial)


Member (Admn.)