

18

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

O.A. No. 326 of 2010  
Cuttack, this the 6<sup>th</sup> day of July, 2012

Biranchi Narayan Dash ....Applicant  
-Versus-  
UOI & Ors ....Respondents

ORDER

Coram:

The Hon'ble Mr.C.R.Mohapatra, Member (Admn.)  
And  
The Hon'ble Mr.A.K.Patnaik, Member (Judl.)

.....

We find from the record that on receipt of the below bench mark grading in the ACR/CCR for the F.Y 2007-08 recorded by the CCIT, Orissa,Bhubanesar (RespondntNo.6), communicated vide letter under Annexure-A/2, the Applicant submitted representation under Annexure-A/3, 24.05.2010 to the Respondent No.2 requesting expunction/upgradation of the recording made in his ACR/CCR for the FY 2007-08. But, as we find further from the record that the said representation was considered and rejected by the Respondent No.6 against whose remarks the applicant submitted appeal to the RespondentNo.2. Law is well settled in a plethora of judicial pronouncements that none should be the judge of his own action. It is also

19  
legitimate expectation of the applicant that the Respondent No.2 should decide the matter after taking into consideration all the points raised by him. The service jurisprudence do also provide that the authority to whom grievance is placed should consider and dispose of the same. In the above background, we find serious flaw in the decision making process of the matter of deciding the representation by the Respondent No.6 though the same was addressed to the Respondent No.2.

In view of the above, without expressing any opinion on the merit of the matter, this OA is disposed of with direction to the Respondent No.2 to consider and dispose of the representation at Annexure-A/3 and communicate the result thereof, in a well reasoned order, to the Applicant, within a period of 60(sixty) days from the date of receipt of copy of this order. No costs.

Patnaik  
(A.K.Patnaik)  
Member(Judicial)

Mohapatra  
(C.R.Mohapatra)  
Member(Admn.)