

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00184 of 2015
Cuttack, this the 15th day of April, 2015

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HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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Subash Chandra Tripathy,
aged about 52 years,
S/o late Benudhar Tripathy,
A permanent resident of At/PO- Chandol,
Dist- Kendrapara,
Presently serving as Manager (Smelter),
Smelter Plant Pot Line-IV, NALCO,
NALCO Nagar- 759145, Dist-Angul.

...Applicant

(Advocates: M/s. J.Sengupta, D.K.Panda, G.Singh, A.Mishra)

VERSUS

1. NALCO ALUMINIUM COMPANY LIMITED represented through
Its Chairman-Cum-Managing Director, NALCO,
NALCO Bhawan, Nayapalli,
Bhubaneswar-751013.
2. Chairman-Cum-Managing Director,
NATIONAL ALUMINIUM COMPANY LIMITED,
NALCO Bhawan, Nayapalli,
Bhubaneswar-751013.
3. Director (Personnel),
NATIONAL ALUMINIUM COMPANY LIMITED,
NALCO Bhawan, Nayapalli,
Bhubaneswar-751013.

... Respondents

(Advocate:)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. J.Sengupta, Ld. Counsel for the applicant, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging inaction of the Respondents in downgrading his appraisal report without giving any opportunity as provided under rules as well as well settled position of law and thereby debarring him from promotion. Mr. Sengupta, Ld. Counsel for the applicant, submitted that though the well settled position of law provides that a reasonable opportunity should have been afforded to the employee before downgrading appraisal report but the same has not been adhered to for which his juniors has been allowed to march over him. Mr. Sengupta by drawing series of representations preferred by the applicant brought to my notice that till date none of the representation has been considered and no response has been received by the applicant.

3. Taking into account the submission made by Mr. Sengupta, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 1, i.e. Chairman cum Managing Director, NALCO to consider and dispose of all the representations preferred since 20.10.2014, followed by several reminders the last being dated 28.01.2015, if the same have been filed and are still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of four weeks from today. It is further made clear that if after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken to afford him the opportunity before taking any action. However, if in the meantime said representations have already been

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disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

5. On the prayer made by Mr. Sengupta, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 1 by Speed Post for which he undertakes to file the postal requisites by 17.04.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

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