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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00361 OF 2015
Cuttack, this the 3rd day of July, 2015

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

.....

Sri Pramod Kumar Padhy,
aged about 58 years,
Son of Late Kabi Chandra Padhy,
Presently residing at D-4/17,
Metrocity Apartment, Nayapalli, Beherasahi,
Bhubaneswar-12 and Presently working as Audit Officer,
In the Office of the Principal Account General (E&RSA),
AG Square, Bhubaneswar, Odisha, Dist. Khurda.

.....Applicant

Advocate(s).....M/s. S.K.Ojha, S.K.Nayak

VERSUS

Union of India represented through

1. The Comptroller and Auditor General of India,
Pocket-9, Deen Dayal Upadhyay Marg,
New Delhi-110124.
2. Deputy Comptroller and Auditor General of India,
Pocket-9, Deen Dayal Upadhyay Marg,
New Delhi-110124.
3. Principal Account General (E&RSA),
AG Square, Bhubaneswar,
Dist. Khurda, Odisha PIN-751001.
4. Deputy Accountant General/ES-II,
Puri-Cum-Reporting Officer,
At./Po./Dist. Puri.

..... Respondents

Advocate(s).....Mr. B.P.Nayak



ORDER (ORAL)

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

Heard Mr. S.K.Ojha, Learned Counsel for the Applicant, and Mr. B.P.Nayak, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, 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 seeking the following relief:

“(i)to quash the grading awarded by the Reporting Officer (Annx. A/1) and decision of the Reviewing Authority dtd. 11.12.2014 (Annx. A/3) holding that the same is illegal and unreasonable;

(ii) To direct the Respondents No.4 to reconsider the APAR of the applicant for the period of 29.05.2013 to 31.03.2014 afresh in a prospective manner;

OR

To direct the Respondent No.3 to reconsider his review decision in a prospective manner taking into account all the points raised by the applicant in his representation dtd. 16.10.2014 (Annx. A/2);

OR

To direct the Respondent No.2 to set aside the decision of the Respondent No.3 and 4 and to take an independent decision upgrading the APAR of the applicant looking into facts and circumstances so also the all the performance;

(iii) To direct the Respondents to extend the consequential benefit to the applicant forthwith;

(iv) And/or pass any other order.....”

3. Mr. Ojha, Ld. Counsel for the applicant, submitted that ventilating his grievance and praying for upgradation of his APAR, in question, the applicant has already filed representation under Annexure-A/5 dated 05.01.2015 followed by reminder dated 23.05.2015 (Annexure-A/6) before Respondent No.2 but till date no response has been received by the applicant from the said authority.

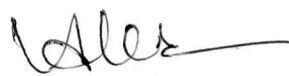


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4. In view of the above, since the representation of the applicant is stated to be pending, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No.2 to consider and dispose of the representation, if the same has been preferred by the applicant and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of one month from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the authorities to consider the same keeping in mind the present rule position as well as law governing the field. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken preferably within a further period of two months from the date of such consideration to grant him the said relief. If in the meantime the said representation has already been 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.

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

6. On the prayer made by Mr. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 07.07.2015.


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