

26 APR 2016

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION No. 260/00320/2016

Pramod Kumar Padhy

Pramod Kumar Padhy, aged about 59 years, S/O- Kabi Charan Padhy, At- D-4/17, Metro city Apartment, Behera Sahi, Nayapalli, Bhubaneswar, Presently working as Audit Officer, O/O- Principal Accountant General, E&RSA, Bhubaneswar.Applicant

VERSUS

1. Union of India, represented through its Comptroller & Auditor General of India, 9- Deen Dayal Upadhyay Marg, New Delhi, 110124
2. Deputy Comptroller & Auditor General, O/O- Comptroller & Accountant General of India, 9- Deen Dayal Upadhyay Marg, New Delhi, 110124
3. Principal Accountant General (E&RSA) Bhubaneswar, AT/PO- Bhubaneswar, Dist- Khurda
4. Accountant General of Odisha, Bhubaneswar. G&SSA, AT/PO- Bhubaneswar, Dist- KhurdaRespondents

O R D E R (ORAL)
Dated 18.05.2016

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

Heard Mr. D.P.Dhalsamant, Ld. Counsel appearing for the applicant, and Mr. J.K.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 with the following prayer:-

“8.1 That the respondents be directed to promote the applicant to the post of Senior Audit Officer w.e.f. 01.01.2015 with all consequential service benefits.

8.2 And further be pleased to pass any order/order(s) as deem fit and proper to give complete relief to the applicant.”

3. The applicant is working as Audit Officer under Respondent No.3.

His grievance is that although he is entitled for promotion to the cadre of Sr. Audit Officer w.e.f. 01.01.2015, i.e. after completion of two years of regular service as Audit Officer, and has also been found fit by the DPC, he has been denied the same on the ground of APAR revision grading average ‘0’ compared to ‘3’. It has been submitted that after his representation dated 16.10.2014, Respondent No.3 reviewed the grading and increased it to 3.68 vide order dated 04.12.2014, which is rounded as 4. Thereafter, the DPC while considering promotion to the cadre of Sr. AO for the panel period from 01.04.2015 to 31.03.2016 recommended the name of the applicant for promotion vide Annexure-A/4 dated 04.02.2015 but in the remark column it has been mentioned that “deferred to next panel year”. He had earlier preferred a

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representation on 05.01.2015, which has been rejected vide order dated 21.07.2015. Mr. Dhalsamant, Ld. Counsel for the applicant, submitted that after issuance of Annexure-A/4 dated 04.02.2015, the applicant, putting forth his grievance, has again represented to Respondent No.2 on 26.09.2015 vide Annexure-A/6 but nothing has been communicated to him. The applicant relying on Annexures-A/7 and A/8, ^{and} submitted that the post of Sr. AO is a non-selection post and there is no bench mark for such promotion.

4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by directing Respondent No.2 to consider the representation under Annexures-A/6, if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of a copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. With the aforesaid observation and direction, the O.A. is disposed

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of at the stage of admission itself. No costs.

6. On the prayer made by Mr. D.P.Dhalsamant, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 1 and 2 by Speed Post for which he undertakes to file the postal requisites by 19.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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