

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.169/Jodhpur/2013

Jodhpur, this the 06th day of April, 2016

CORAM

**Hon'ble Dr. K.B. Suresh, Judicial Member
Hon'ble Ms. Praveen Mahajan, Administrative Member**

R.S. Dhillon S/o late Shri Ranjeet Singh Dhillon, by caste Jatsikh, age 64 years, R/o 30 Shiv Colony, Subhashpura, Bikaner.

.....Applicant

Ms. Vandana Bhansali, counsel for applicant.

Versus

1. Union of India through the Secretary to the Government, Ministry of Agriculture, Department of Agriculture Research & Education, Krishi Bhawan, New Delhi.
2. Indian Council for Agriculture Research through its Secretary, Krishi Bhawan, New Delhi.
3. Central Sheep & Wool Research Institute, Avikanagar, District Tonk, through its Director.
4. Chief Administrative Officer Central Sheep & Wool Research Institute, Avikanagar, District Tonk.

.....respondents

Mr. A.K.Chhangani, counsel for respondents.

ORDER (Oral)

Heard. This is the third round of litigation. Applicant alleging that the T-7 promotion which should be given effect to was given to him pursuant to and vide order dated 24.03.2010 passed in OA No.217/2006 by detailed order, we had examined all the situation and this benefit that was granted to him, and therefore in accordance with the Prabhu Dayal

the Hon'ble Apex court appropriate correction ought to have been made. This is a case in which the Devdutt's judgment is also having applicability. Apparently, at the appropriate time, in two instance the applicant had got 'good' but then since Devdutt's judgment is not in operation, this was not considered as good even though not communicated. At other time, the applicant had obtained four 'very good'. After consideration, we have come to a finding that the recommendation of the Assessment Committee dated 01.11.2001 to be implemented and to promote the applicant to T-7 grade with effect from 04.01.1996 and grant all the consequential benefits including arrears of pay and allowance and re-fixation of his pension within a period of three months. **We had also directed the respondents to expeditiously consider the promotion of the applicant to the next grade or grades for which he became eligible before he retired in the year 2008. Therefore, the question of eligibility remains unchallenged.**

In reply, the respondents in paragraph 4.10 would say that for the period from 04.01.1996 to 03.01.2003 in between applicant was having only one 'good' ACR, even though he had mentioned a very good stipulation to the other years, the bench mark of very good was not met.

It does not say of the effect of such good and how the good was not considered to be very good. In the light of the fact that it is not communicated and this ground had been used earlier also and have been rejected, we hold that the un-communicated ACR of 'good' cannot be considered at all and therefore, the impugned order will not lie in the eyes of law and is hereby quashed and in consonance with the Prabu Daval Khandelwal's judgment of the Hon'ble Apex

normal course set off be granted to the applicant within a period of three months next and benefits extended notionally as the applicant had not worked in the new promotional post.

The OA is allowed to this extent. No costs.


[Ms. Praveen Mahajan]
Administrative Member


[Dr. K.B. Suresh]
Judicial Member

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