

OA/888/1997

7-5-2002

Present : Hon'ble Mr.S.Biswas, Member(A)
Hon'ble Mr.M.L.Chouhan, Member(J)

Dr.S.L.Chondar

-Vs-

I.C.A.R.

For the applicant : Mr.S.P. Bhattacharjee
For the respondent : Ms U.Sanyal


ORDER

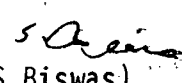
The applicant who was working as Scientist S-3 has filed the present application against the alleged arbitrary and malafide action of the respondent authorities withholding of the 5 yearly assessment for placement of the applicant in the grade of Scientist S-3 for the period ending 31-12-85 and has prayed that a direction be issued to the respondent authorities for the clearance of 5 yearly assessment from the due date with all consequential benefit.

2. The respondent authorities have filed reply of that. The relevant portion of para 7 is as under :

" ..the deponent states that it is a fact that Dr.Chondar was due for assessment for promotion for five years period ending 1985. In this regard, Dr.Chondar was duly assessed for this purpose by A.S.R.B. and its recommendation was received in the Council for approval of the Competent Authority i.e. Director General, I.C.A.R. But the fact is that disciplinary action for major penalty was ordered against him. It was due to this that decision was pended regarding recommendation of Board regarding promotion. Now after dropping of the charges against applicant his case could not be processed due to pendency of Court Case and Section 19(4) of the Administrative Tribunal Act. If Hon'ble Tribunal permits the respondents then applicant's case will be processed for promotion."

3. In view of the stand taken by the respondent authorities in the reply affidavit, the present application has become infructuous. Consequently, the direction^{1A} given to the respondent authorities to consider the case of the applicant for the extension of benefit for five years period ending 31-12-85 with all consequential relief. This may be done within 3 months from the date of receipt of the order. The application is disposed of accordingly with no order as to costs.


(M.L.Chouhan)
Member(J)


(S.Biswas)
Member(A)