

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.95/2005

Friday this the 25th day of February, 2005.

CORAM:

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

A.V.Joseph, S/o Late Kuruvilla Varkey,
residing at V.E.Quarter,
C.M.F.R.I., Residential Complex,
Kochukadavanthara, Kochi-682020. Applicant

(By Advocate Shri Jacob Thomas)

Vs.

1. Union of India represented by the
Secretary and Director General,
Department of Agricultural Research and
Education, Indian Council of Agricultural Research,
Govt. of India, Krishi Bhavan, New Delhi-110001.
2. Dr. Mohan Joseph Modayil, Director C.M.F.R.I.,
Indian Council of Agricultural Research,
P.B.No:1603, Tatapuram, P.O.Kochi- 682 014.
3. Under Secretary, (Administration), Indian Council
of Agricultural Research, Govt. of India,
Krishi Bhavan, New Delhi - 110001.
4. Shri Radhe Sham, Deputy Director, (Finance),
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi-110001. Respondents

(By Advocate Shri P.Jacob Varghese, (R3)

(By Advocate Shri TPM Ibrahim Khan, SCGSC(R1)

The application having been heard on 25.2.2005,
the Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant^{is} now working as Senior Accounts Officer under the respondents department. Aggrieved by A-1 Memorandum dated 21st September 2004 regarding the adverse remarks in the ACR and A-9 Office Order dated 4.11.2004 regarding promotion of the applicant to the post Deputy Director (Finance at ICAR Hqrs., New Delhi, ^{he} has filed this O.A. Seeking the following reliefs:

a. Call for the records leading to Annexure A1 and A9, scrutinize and quash the same.

b. By an appropriate order or direction, declare as illegal and quash and set aside the impugned Memorandum dated 21st September 2004 (Annexure-A 1) and impugned order dated 4.11.2004 (Annexure A-9).

c. By an appropriate order or direction direct the respondents 1 to 3 to convene a Review DPC and consider the case of the applicant for promotion to the post of Chief Finance & Accounts Officer /Deputy Director(Finance) in the pay scale of Rs.12000-16500 w.e.f.21st October 2004, i.e. the date from which date the 4th respondent, person junior to the applicant was promoted and promote the applicant with effect from the same date

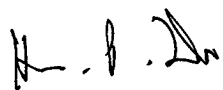
d. Grant all consequential benefits including arrears of pay and allowances.

e. By an appropriate writ order or direction direct the 1st respondent to ignore the ACR of the applicant for the year 2003-2004 in the facts and circumstances of the case and promote the applicant to the post of Chief Finance & Accounts Officer/Deputy Director (Finance), w.e.f.21.10.2004.

2. When the matter came up before the Bench, Shri Jacob Thomas, learned counsel appeared for the applicant, Shri P.Jacob Varghese appeared for R-3 and Shri TPM Ibrahim Khan, SCGSC appeared for R.1. Learned counsel for applicant submits that the applicant has made A-2 representation dated 18.10.2004 to the 1st respondent which is not yet disposed of. He also submits that the applicant would be satisfied, if a limited direction is given to the 1st respondent to consider and dispose of the said representation and pass appropriate orders within a time frame. Counsel for respondents submits that he has no objection in adopting such a course of action.

3. In the interests of justice this Court directs the 1st respondent to consider and dispose of the representation (A2) and pass appropriate orders within a time frame of one month from the date of receipt of a copy of this order. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated 25th February, 2005.


H.P.DAS,
ADMINISTRATIVE MEMBER


K.V.SACHIDANANDAN
JUDICIAL MEMBER