

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.396/2008

This the 19th day of February, 2010

Hon'ble Mr. Justice A.K. Yog, Member (J)

Raj Kumar Chopra aged about 44 years, Son of late Ram Prakash Chopra, presently posted as PGT, Jawahar Navodaya Vidyalaya, Bokaro, Jharkhand.

.....Applicant

By Advocate: Shri A.K. Singh for Shri Y.S. Lohit.

Versus.

1. Navodaya Vidyalaya Samiti, A-28, Kailash Colony, New Delhi through its Commissioner.
2. Deputy Commissioner, Navodaya Vidyalaya Samiti, Lucknow Region, Lekhraj Panna, III Floor, Sector-2, Vikas Nagar, Lucknow.
3. Principal, Jawahar Navodaya Vidyalaya, Ballia.

.....Respondents

By Advocate: Shri Ankit Srivastava for Shri Anurag Srivastava.

ORDER (Oral)

Delivered by Justice A.K. Yog, Member (J)

Heard learned counsel for the parties on both sides.

2. By means of this OA the applicant as member of teaching staff of Navodaya Vidyalaya) seeks to challenge Office-Order dated 8.8.2008 and Memorandum dated 14.10.2008 (Annexure-A-1 and Annexure-A-2/Compilation-I). For convenience said impugned Memorandum is reproduced:-

"MEMORANDUM

With reference to the adverse entries recorded in the ACR 2008 of Sri R.K. Chopra, PGT (Commerce), JNV Ballia and its subsequent validation by the Reviewing Officer, the representation submitted by Sri R.K. Choopra, PGT (Commerce), JNV Ballia for expunging of adverse remark, was considered sympathetically by the competent authority but the same is rejected due to his unsatisfactory teaching performance. Hence the adverse entries communicated is hereby affirmed.

He is hereby advised to show visible improvement in his style of functioning so as to fulfill the expectations of the institution.



(Dr (Smt) Sudha Sharma
Deputy Commissioner

To,
Sri R.K. Chopra,
PGT (Commerece)
JNV Ballia."

3. In the instant case the applicant was aggrieved by the adverse entries in his ACR against which he submitted representation but, according to the impugned Memorandum, the Reversionary Authority and Competent Authority have affirmed 'Adverse Entry'.

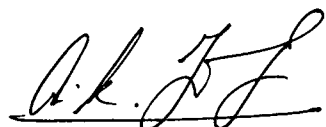
4. Learned Counsel for the Applicant submits that Applicant should have under Rule, Representation was to be filed before the next higher authority.

5. Learned counsel for the respondents also submits the applicant should have filed representation before next higher authority but the applicant has fails to do so.

6. Considering the nature of grievance the applicant should represent before 'authority' next-higher to Deputy Commissioner as also suggested by the parties.

7. In view of the above, I direct the applicant to file 'Representation' before concerned-competent authority (next-higher to Deputy Commissioner) within 6 weeks from today and the said authority shall (provided said representation is presented, as stipulated/contemplated above) decide the said representation of the applicant within 3 months of the receipt of it by passing a reasoned and speaking order in accordance with law. Decision taken shall be communicated to the applicants forthwith.

6. OA stands disposed of subject to the above directions. No costs.


(Justice A.K. Yog)
Member (J)

Amlt/-