

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No. 462/2011

This is the 15th day of November, 2011.

Hon'ble Justice Shri Alok Kumar Singh, Member (J)
Hon'ble Shri S. P. Singh, Member (A)

Sneh Lata Gupta
W/o Sri A K Gupta,
R/o K- 259 Ashiyana Lucknow,
Assistant, Armed Forces Medical Stores Depot,
Lucknow 900450C/o 56 APO.

Applicant
By Advocate Sri Vijyant Nigam.

VERSUS

1. Union of India, through
Secretary Ministry of Defense,
South Block, New Delhi.
2. Director General
Armed Forces Medical Stores Depot/DG 2B,
Ministry of Defense 904713,
New Delhi.
3. Commandant
Armed Forces Medical Stores Depot,
G.G.S. Marg, P.O.-Dilkusha,
Lucknow Cantt., Lucknow-02

Respondents
By Advocate Sri R. Misra.

ORDER

By Hon'ble Justice Sri Alok Kumar Singh, Member (J)

This O.A. has been filed for quashing of order dated 03.03.2010 which is not on record.

2. It is said that the applicant has been denied MACPS by means of this order. But he could know about it only when he sought certain information under RTI Act. These informations were furnished to him vide order dated 8.7.2011 (Annexure-1). In para 7 (b), it is mentioned that the applicant would recall that his proposal for grant of MACP was forwarded by his unit on 11th December, 2009 and he was considered in February 2010 and orders were issued on 03.03.2010. Further, in Para (c), it is mentioned that in the letter dated 11.5.2011, the applicant himself has quoted that five ACRs with the bench mark 'Good' are to be assessed in granting promotion in case of Group C

AI

Government Servant as per provisions for evaluation of confidential reports para 6.2.1(b) Swamy's Establishment and Administration. This information was furnished in response to applicant's application dated 25.6.2011. Earlier, in response to his another application dated 6.1.2011, it was informed that he did not meet the bench mark and therefore, she was not granted 3rd MACP (Annexure-6). It is said on behalf of the applicant that the above order dated 3.3.2010 was never served upon him and he came to know about this only in July 2011 when the said information under RTI Act was obtained. But thereafter, she ought to have sought copy of this order from the department and then file this O.A. This Tribunal cannot be used as an instrument for obtaining a copy of an order which is sought to be impugned. Obviously, it is a premature exercise which has been taken up by the applicant entailing misuse of precious time of this Tribunal which can not be permitted.

3. In view of the above, this O.A. is dismissed. No costs

S. P. Singh
(S. P. Singh) 15.11.11
Member (A)

Alok Kumar Singh
(Justice Alok Kumar Singh) 15.11.11
Member (J)

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