

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 580/2000

Date of Decision: 23.4.2001

Shri Ram Babu

Applicant.

Shri R.P. Saxena

Advocate for  
Applicant.

Versus

Union of India and others.

Respondent(s)

Shir R.R. Shetty for Shri R.K. Shetty

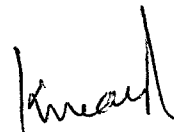
Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Kuldip Singh, Member (J)

Hon'ble ~~xxxx~~ Ms. Shanta Shastry, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library.



(Kuldip Singh)  
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO: 580/2000

MONDAY the 23rd day of APRIL 2001

CORAM: Hon'ble Shri Kuldip Singh, Member (J)

Hon'ble Ms. Shanta Shastry, Member (A)

Ram Babu  
Regional Manager (South)  
Canteen Stores Department  
Mandalay Lines, Range Hills,  
Khadki, Pune.

... Applicant.

By Advocate Shri R.P. Saxena .

V/s

1. Union of India through  
The Secretary  
Ministry of Defence  
South Block, New Delhi.
2. The Quarter Master General  
(Appellate Authority)  
Army Headquarters, New Delhi.
3. The Chairman  
Union Public Service Commission  
Dholpur House,  
Shahjahan Road, New Delhi.

... Respondents.

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

ORDER (ORAL)

¶ Per Shri Kuldip Singh, Member (J) ¶

The applicant has filed this OA seeking the following reliefs:

To direct the respondent No.2 to take the decision and pass the orders on the representation dated 30.6.2000, submitted by the applicant against uncommunicated adverse remarks in his A.C.Rs.

  
...2...

To direct the respondent No.3 that the grading 'Good ' against requirement of grade 'Very Good' for promotion to higher grade should not be deemed to be operative till the representation or appeal is pending.

To hold and declare that adverse remarks cannot be used for superseding the claim of an officer for promotion to higher grade until finalised.

To order cost and such other reliefs as this Hon'ble Tribunal may deem fit and proper in the conspectus of facts and circumstances of the case.

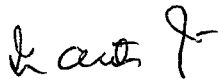
To call for the records and set aside impugned order dated 18.8.2000, being arbitrary, illegal and against the laid down policy.

2. The applicant has ~~also challenged the order~~ dated 18.8.2000 incorporated by way of amendment (Exhibit A-5) page 40-A and his representation regarding expunction of adverse remarks. Thereafter the applicant has ~~submitted~~ a Memorial dated 30.8.2000 (Exhibit A-6). The applicant presses only the prayer that his Memorial at least be decided. The learned counsel for the respondents, Shri Shetty states that based on recommendations of Review DFC held on 8.5.2000 Shri Dharampal, senior to the applicant has been ~~promoted~~ as JGM - II against the vacancy of 1994, when the applicant was not even eligible for being considered to the post of JGM - II. The respondents submit that the OA has ~~thus become~~ infructuous.

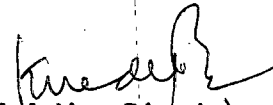
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3. Considering the arguments of rival parties, we find that <sup>the</sup> only question which survives now is with regard to <sup>the</sup> ex-punging of adverse remarks recorded in the ACR of applicant. Though in view of subsequent developments with regard to review D.P.C. and a senior employee namely Dharampal getting the promotion as JGM II the OA to that effect has become infructuous. Yet we find the applicant is entitled to have his memorial decided.

4. We, therefore, hereby dispose of the OA with a direction to the respondents to dispose of the Memorial of the applicant within a period of two months from the date of receipt of copy of this order by passing a speaking order. No costs.



(Ms. Shanta Shastry)  
Member(A)



(Kuldip Singh)  
Member(J)

NS