

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI  
CAMP AT AURANGABAD

ORIGINAL APPLICATION NO : 316/2001

MONDAY the 3rd day of DECEMBER 2001

CORAM: Hon'ble Shri S.R. Adige, Vice Chairman  
Hon'ble Shri S.L.Jain, Member (J)

Dr. R.R. Ahirwar  
Principal Medical Officer (OG)  
Ordnance Factory  
Warangaon, District: Jalgaon  
(Residing at Q.No. 30/B, Type IV  
Ordnance Factory Estate,  
Warangaon, District, Jalgaon. ... Applicant.

By Advocate Shri S.P. Saxena

V/s.

1. Union of India  
Through the Secretary  
Ministry of Defence  
DHO, Post Office  
New Delhi.
2. The Chairman  
Ordnance Factory Board,  
10 - A S.K. Bose Road,  
Calcutta.
3. Dr. Rotash Kanwar  
Principal Medical Officer  
Ordnance Factory, Chanda
4. Dr. Phoolchand  
Principal Medical Officer  
Small Arms Factory  
Kanpur.
5. Dr.(Mrs.) Geeta Ved Vyasani  
Principal Medical Officer  
OPTO Electronic Factory  
Dehradun
6. Dr. Mruthunjay Das  
Principal Medical Officer  
Ordnance Factory  
Ambazari, Nagpur.
7. Dr. V.B. Singh  
Principal Medical Officer  
Ordnance Factory  
Itrasi (MP)

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8. Dr. S.S.V. Rao  
Principal Medical Officer  
Ordnance Factory  
Chanda.
9. The Secretary  
Union Public Service  
Commission  
Bhaulpur House,  
New Delhi.

... Respondents.

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

ORDER(ORAL)

{ Per S.R. Adige, Vice Chairman }

The applicant impugns the respondents letter dated 7.3.2001 (Exhibit A - 2 ) and seeks a direction to the respondents to hold Review Screening Committee and to re-consider the case for placement in the P.M.O. (N.F.S.G) scale by ignoring the uncommunicated adverse remarks of 1998 - 99, and if found fit, to place him in P.M.O. (N.F.S.G.) scale from the date his juniors were promoted / placed vide order dated 8.11.2000.

2. We have heard both side.

3. The respondents contended that aforesaid remarks for the year 1998 - 99 were communicated to the applicant vide letter dated 30.9.1999. The applicant's contention is that the same was not served upon him. In this connection, it is his contention that he was on leave from 17.10.1999 up till 12.2.2000 and was again on leave in February 2000.

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4. It is not denied that the promotion to the grade of P.M.O (N.F.S.G) scale are to be made on seniority-cum-fitness basis through internal screening Committee.

5. The respondents are unable to produce any documentary evidence to establish that the aforesaid adverse entries in the ACR for the year 1998 - 99 were actually communicated to the applicant or not, to enable him to represent against the same, before the Screening Committee met on 12.12.2000.

6. Under the circumstances, we dispose of this case with a direction to the respondents to serve copy of the aforesaid adverse remarks for the year 1998 -99 to the applicant on proper receipt, within a period of four weeks from the date of receipt of copy of the order, upon which the applicant is granted liberty to represent within six weeks of the communication of the adverse remarks to him.

7. In the event that the applicant does submit a representation against aforesaid adverse remarks, the respondents are directed to consider the same and pass a detailed reasoned speaking order in accordance with the Rules and instructions under intimation to the applicant within eight weeks on receipt of the representation.

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8. In the event the representation of the applicant against the adverse remarks for the year 1998 - 99 is allowed in full or in part by the respondents, they are directed to hold Review DPC and consider applicant's case for promotion to the grade of P.M.O.(N.F.S.G) scale with effect from the date his immediate juniors was promoted, with all consequential benefits.
9. If any grievance still survives thereafter, it will be open to the applicant to agitate the same through appropriate original proceedings if so advised.
10. The OA is disposed of accordingly. No costs.

*AC*  
(S.L.Jain)  
Member(J)

*Adige*  
(S.R. Adige)  
Vice Chairman

NS

*dt 31/12/01*  
Order issued  
to \_\_\_\_\_ sent (s)  
on 20/11/02

*M*