

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Miscellaneous Application No.268/97

Original Application No.1239/96

DATE OF ORDER : 18-06-1997.

Between :-

Prem Shankar Gupta

.. Applicant

And

1. Dy. Director General,  
Military Farms Army Head Quarters,  
Quarter Master Generals Branch,  
West Block No.3, Wing No.7,  
R.K.Puram, New Delhi-110066.
2. Officer Incharge, Military Farm,  
Sec'bad.
3. Director Military Farm, Head Quarter  
Southern Command and Kirkee Poone-3.
4. O.P.Yadav

.. Respondents

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Counsel for the Applicant : Shri V.Venkataramana

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri Rangaiah for Shri V.Venkataramana, counsel for the applicant and Shri N.R.Devaraj, standing counsel for the respondents.

2. It is unfortunate that the respondents have failed to file a reply <sup>to</sup> in the short M.A. We do not consider it necessary to give any further time in this case.

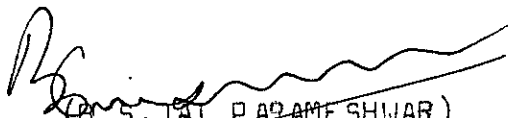
3. The MA was filed for condoning the delay about 4 years in filing this O.A. This O.A. is filed for expunging the adverse remarks entered in the confidential records of the applicant in the year 1990-91. As per the order dt. 24-10-96 in OA, the OA is restricted only to the prayer of expunging the adverse entries in the ACR of 1990-91. In the MA ~~and~~ affidavit the applicant submits that he filed an appeal on 18-4-92 against the adverse remarks made in the ACR of 1990-91. When he has not received any reply to his appeal dt. 18-4-92, he should have approached the proper <sup>indirect forum</sup> ~~channel~~. Further, ~~he~~ in the MA affidavit the petitioner states that he ~~is~~ the disciplined soldier ~~in the Army~~ and did not venture to send reminders and wait <sup>for</sup> for favourable orders as the higher authorities have <sup>has</sup> assured him. It is learned <sup>has</sup> that there was no higher post at that time for his promotion and when the higher post was created and when his junior was promoted, the applicant woke up and filed this OA. Though this OA was restricted for the relief of expunging the adverse remarks, the applicant will challenge the promotion to the junior also if this M.A. is allowed. Thus the OA <sup>has</sup> got the wider ramifications and affects the interests of others also. If the applicant had

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and the  
if disposed  
in his  
favour.

impleaded the promoted juniors also in this MA as well as in the  
OA, then probably we could have heard them and pass<sup>-ed</sup> a reasoned  
order. The applicant has not done so. Hence we are of the opinion  
that the applicant has approached the Tribunal not only belatedly  
<sup>also</sup>  
but he has not impleaded the proper parties.

4. Accordingly M.A. is dismissed. As the MA is dismissed,  
O.A. is rejected. No order as to costs.

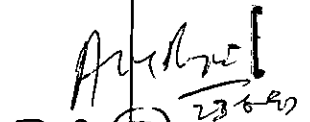
  
(B.S. JAI PARAMESHWAR)  
Member (J)

18/6/97

  
(R. RANGARAJAN)  
Member (A)

Dated: 18th June, 1997.  
Dictated in Open Court.

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D.R. (S) 23/6/97

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Copy to:

1. Dy. Director General, Military Farms Army Head Quarters,  
Quarter Master Generals Branch, West Block No.3,  
Wing No.7, R.K.Puram, New Delhi.
2. Officer Incharge, Military Farm, Secunderabad.
3. Director ~~xxxxxx~~ Military Farm, Head Quarter,  
Southern Command and Kirkee, Pune-3.
4. One copy to Mr. V. Venkataramana, Advocate, CA<sup>T</sup>, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

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10/7/97  
OA O/c  
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M  
(J)

DATED: 18/6/97

ORDER/JUDGEMENT

~~100/R.A/C.A. NO. 34/97~~ MA 208/97

O.A. NO. 1239/96

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
बेचन/DESPATCH  
4 JUL 1997  
HYDERABAD BENCH