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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

28/08/2012
O.A. 15/2012

Present : Mr. R.P. Sharma counsel for the applicant.
Mr. T.P. Sharma counsel for the respondents.

rejoinder filed

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Written statement in respect of respondents No. 1 to 3 has been filed. Learned counsel for the applicant states that he has filed rejoinder today in the registry. Pleadings in respect of respondents No. 1 to 3 are thus complete. Respondents No. 4 to 6 have been failed to file written statement despite sufficient opportunity having been granted. Let the matter be placed before the Hon'ble Bench for appropriate orders/directions on 21/09/2012.


(Gurmit Singh)
Joint Registrar

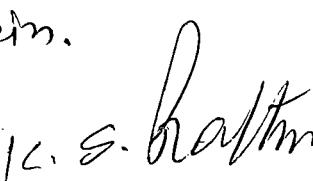
21/09/2012

O.A. No. 15/2012

Mr. R.P. Sharma, counsel for applicant.
Mr. T.P. Sharma, counsel for respondent Nos. 1 to 3.
None present for respondent Nos. 4 & 5.

Heard.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.


[Justice K.S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 21st day of September, 2012

ORIGINAL APPLICATION No.15/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Jamnuna Prasad
s/o late Shri Sukh Ram,
r/o 52/203, Sector 5, Pratap Nagar,
Sanganer, Jaipur, presently working as
Scientific Officer "E",
Atomic Minerals Directorate,
Pratap Nagar, Jaipur

.. Applicant

(By Advocate : Shri R.P.Sharma)

Versus

1. Union of India through the Chairman, Atomic Energy Commission and Secretary to the Government of India, Department of Atomic Energy, Anu Shakti Bhawan, Chhatrapati Shivaji Maharaj Marg, Mumbai.
2. The Director, Atomic Minerals Directorate for Exploration and Research, Department of Atomic Energy, 1-10-153-156, Begum Pet, Hyderabad.
3. The Regional Director, Atomic Minerals Directorate for Exploration and Research, Western Region, Department of Atomic Energy, Sector-5, Extension, Pratap Nagar, Sanganer, Jaipur
4. Shri Vinod J.Katti, Regional Director, Office of the Director, Atomic Minerals Directorate for Exploration and Research, Khash Mahal, Tata Nagar, Jamshedpur, East-Singhbhum, Jharkhand.

5. Shri G.S.Sharma, Scientific Officer-G, Western Region, Atomic Minerals Directorate for Exploration and Research, Sector-5, Extension, Pratap Nagar, Jaipur

.....Respondents

(By Advocate : Shri Tej Prakash Sharma for resp. 1 to 3)

ORDER (ORAL)

The present OA is filed against the memorandum dated 6.9.2010 (Ann.A/1) by which adverse entries for the period from 1.12.2007 to 30.11.2008 recorded in the ACR of the applicant were conveyed. The applicant vide his representation dated 29.9.2010 requested the Regional Director, Western Region, Atomic Minerals Directorate for Exploration and Research, Jaipur that he has not been assigned any work commensurate to his status and skill inspite of his insistence, therefore, reserving his right to enable him submit comprehensive reply, request was made that copy of the rules/procedural norms/instructions relating to drawl and submission of ACR may be provided.

2. The respondent No.4 rejected the representation of the applicant vide order dated 16.11.2010 ignoring the fact that the representation was filed reserving his right to submit detailed reply as and when the procedural rules relating to ACRs are made available.

3. Aggrieved and dis-satisfied with the rejection of representation, an appeal was preferred to the Director, Atomic Minerals Directorate, Hyderabad but the same has been rejected



without considering the grounds and the fact that the applicant reserved the right to file detailed reply after obtaining the information.

4. By way of filing the present OA the applicant has prayed for quashing and setting aside the letter dated 6.9.2010, 16.11.2010 and 12.8.2011.

5. I have heard the rival submissions of the respective parties and carefully perused the material available on record. Bare perusal of the letter dated 29.9.2010 (Ann.A/2), it appears that the applicant has asked for certain documents regarding rules/procedural norms/instructions relating to drawl and submission of ACRs and without taking into consideration whether the documents asked for are essential for submitting the details reply or not, admittedly, the same has not been provided to the applicant. On perusal of the appeal, which has been preferred against the order dated 16.11.2010, the applicant has reiterated the submissions which are made here in this OA that he was unable to submit detailed reply for want of information, as asked for by him.

6. Having considered the rival submissions of the respective parties, I am of the view that bare minimum principle of natural justice has not been taken into consideration by the respondents. With regard to supply of documents which were demanded through letter dated 29.9.2010, the respondents first to answer whether these documents can be provided and if not on what ground, but the respondents have considered this letter as representation and rejected the same whereas it is clearly



indicated that the request is made reserving right to submit detailed and comprehensive representation. These grounds are further taken in the appeal filed by the applicant against the order dated 16.11.2010, but again the same has not been considered and the appeal is rejected.

7. In the facts and circumstances of the case, the order dated 16.11.2010 (Ann.A/3) and dated 12.8.2011 (Ann.A/5) are quashed and set aside. I am of the view that ends of justice will be met if I direct the respondents to provide documents as demanded by the applicant through letter dated 29.9.2010 (Ann.A/2) immediately but not beyond the period of 15 days from the date of receipt of copy of this order. Thereafter the applicant is directed to file detailed representation within a period of 15 days. In case the detailed reply is filed within the stipulated time, as indicated hereinabove, the respondents are directed to reconsider the same and shall pass a speaking order and if any adverse order is passed against the applicant, the applicant may file appeal against such order.

8. The OA stands disposed of in the above terms with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

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