

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.195/03

Jabalpur, this the 17th day of August, 2004.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Yohannan Kutty G
S/o Late G.Varghese
Upper Division Clerk
Gun Carriage Factory
R/o 135/2 Vidya Nagar
GCF Estate
Jabalpur.

Applicant

(By advocate Shri S.Paul)

Versus

1. The Union of India through
its Secretary
Ministry of Defence
New Delhi.
2. The Director General
Ordnance Factory Board
10-A, Shahid Kudi Ram Bose Marg
Kolkata.
3. The General Manager
Gun Carriage Factory
Jabalpur.
4. Shri S.L.Pandey
Chargeman Gr.II (NT)
O/o Gun Carriage Factory
Jabalpur.
5. Shri D.Joseph
Chargeman Gr.II
Tank Shop
O/o Gun Carriage Factory
Jabalpur.


Respondents.

(By advocate Shri,S.P.Singh)

O R D E R (oral)

By M.P.Singh, Vice Chairman

By filing this OA, the applicant has claimed the following
reliefs:

- (1) Direct the respondents to consider and promote
the applicant without considering the ACR dated
12.1.99 (Annexure A13) and if necessary set aside
Annexure A13. Further direct the respondents to
consider the case of the applicant and give him
the benefit of ACP at par with his juniors with
seniority, arrears of pay etc.
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(11) Consequently command the respondents to promote the applicant from the date the private respondent was promoted with all consequential benefits on the post of Chargeman Gr.II/ACP benefits.


2. The admitted facts of the case in brief are that the applicant is working as UDC and he has claimed promotion from the post of UDC to Chargeman Gr.II as he was superseded by the private respondents. The applicant has been communicated adverse remarks by the respondents recorded in his ACR for the years 1997-98. The respondents have taken the plea that the applicant could not be promoted to the post of Chargeman Gr.II in his turn because he was not recommended for promotion to the post of Chargeman Gr.II by the IPC on the basis of his ACR record. Learned counsel for the respondents states that subsequently the applicant has been promoted to the post of Chargeman Gr.II (non-Technical).

3. On the other hand, the learned counsel of the applicant states that the applicant has never been communicated any adverse remarks in his confidential reports except the remarks communicated for the years 1997-98. According to the learned counsel of the applicant, the applicant's ACR reports have been good all along and therefore, he could not have been superseded for promotion to the post of Chargeman Gr.II on the basis of his ACR records. He also states that ~~the~~ the applicant will be satisfied if the respondents are directed to consider the appeal preferred by the applicant dated December 2001 (Annexure A10). The learned counsel for the respondents has no objection to such a course being adopted.

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4. Accordingly, we direct the respondents to consider the appeal of the applicant submitted in December 2001 and take a decision on it by passing a speaking, detailed and reasoned order within a period of three months from the date of receipt of the copy of this order.

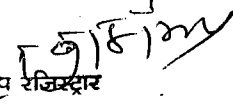

(A.K. Bhatnagar)
Judicial Member


(M.P. Singh)
Vice Chairman

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पूठांकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय द्वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल S. Paul
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल S.P. Singh
- (4) मंडलपत्र, सं.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु


उप रजिस्ट्रार

Issued
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