

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A. No. 798/2003

Jabalpur this the 14th Day of November, 2003

HON'BLE SHRI SARWESHWAR JHA, MEMBER (A)
HON'BLE SHRI BHARAT BHUSHAN, MEMBER (J)

Sukhram,
S/o Shri Gulab Rao,
Junior Technician Central Farm
Machinery Training and Testing
Institute,
Tractor Nagar Budhni,
District Sehore,
R/o Quarter No. 27,
Tractor Nagar,
Budhni Sehore,
Madhya Pradesh.

... Applicant

(By Advocate: Shri A.N. Giri)

Versus

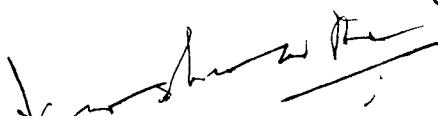
1. Union of India
Through Secretary,
Ministry of Agriculture,
Government of India,
Krishi Mantralaya,
Krishi Bhawan,
New Delhi-110 001.
2. The Director,
Central Farm Machinery Training
and Testing Institute,
Ministry of Agriculture,
Tractor Nagar Post Office
Budhni District Sehore,
Madhya Pradesh. ... Respondents

O R D E R (Oral)

By Hon'ble Shri Sarweshwar Jha, Member (A):

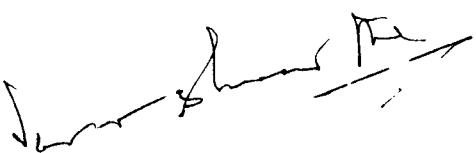
Heard.

2. The applicant has preferred this O.A. against his having not been granted promotion under Assured Career Progression Scheme (ACP)



and has, accordingly, prayed that he may be granted the Upper Grade Scale or ACP under the ACP Scheme on completion of twelve years of service. The applicant has also submitted that the increment, which was withheld, may be granted to him.

2. It is observed that the applicant, who had joined the Respondents vide Letter of appointment dated the 11th February 1977 and who in the process has completed about 26 years of service, has not been granted upgradation under ACP. It is also observed that the Departmental proceedings had been initiated against the applicant vide Memorandum of the respondents dated 27th February 2003 (Annexure A-1). The charges against the applicant are given at Pages 8 to 12 of the Original Application. He had been submitted by him has further submitted that reply/vide his letter placed at Annexure A-2. After having considered the matter, the respondents proposed penalty of withholding one increment w.e.f. 1.7.2003 with cumulative effect. The respondents have also said in their order dated 30.3.2003 imposing the said penalty that the said penalty has been imposed on him by taking a humanitarian view of the matter.



3. It is, however, observed that the applicant was considered for upgradation in meeting of the the Departmental Promotion Committee (DPC) held on 23/24.4.2992, but he was not considered suitable for the 2nd ACP. It is not clear from the details given by the applicant in this OA whether and if so when he was considered and not granted the 1st ACP. On having been asked to elaborate this, the learned counsel have no further information to furnish. It is observed from the statement made by the applicant that he has not been granted any upgradation under the Assured Career Progression Scheme (ACP) so far. It is also observed that the applicant has not preferred any representation against the orders of the respondents dated 18.6.2002 whereby he has been refused upgradation under the ACP or against the penalty of withholding one increment vide the orders of the respondents dated the 3rd July 2993 (Annexure A-7).

4. Under these circumstances and after having heard the learned counsel for the applicant and after having perused the materials on record carefully, we are of the considered opinion that the applicant, having not represented to the authorities and having not thus exhausted the departmental remedies available to him, may first approach the Department

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with appropriate representation on the subject and should seek necessary relief as prayed for by him in this Original Application. We also direct that, in order to facilitate appropriate consideration and disposal of the matter,

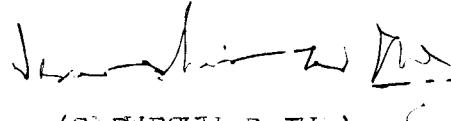
a copy of this Original Application may and be made available to the respondents which may be treated as a representation of the applicant and which will be considered and disposed of by the Respondents by issuing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this Order.

5. With this, this Original Application stands disposed of in terms of the above directions.

6. There is no order as to costs.



(BHARAT BHUSHAN)
MEMBER (J)



(SARVESHWAR JHA)
MEMBER (A)

Mittal

कृतांकन सं. ओ/एस..... जलाशय, दि.....
चलिंगनगर, राजस्थान, भारत
(1) राधित, उत्तर ज्यायामान श्री/श्रीमती/....., जलाशय
(2) आवेदक श्री/श्रीमती/....., जलाशय
(3) प्रशार्य श्री/श्रीमती/....., जलाशय
(4) अधिकारी, राजस्थान, जलाशय, भारत
सूचना एवं आवश्यक वार्ताएँ देखु



19-11-03

*Accepted
Anil
19-11-03*