

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

OF THE REGISTRY

ORDERS OF THE TRIBUNAL

23.03.2009

OA No. 85/2009

Mr. Jaswant Singh, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of March, 2009

ORIGINAL APPLICATION NO. 85/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

G.K. Agarwal son of Shri Shiv Narain, aged 55 ½ years, resident of 6/234 SFS, Agarwal Farm, Mansarovar, Jaipur. Presently working as Chief Superintendent, CTO, Jaipur.

.....APPLICANT

(By Advocate: Mr. Jaswant Singh)

VERSUS

1. Union of India through Secretary, Department of Telecom Sardar Patel Chowk, New Delhi.
2. The Chief General manager, Rajasthan Telecom Circle, Bharat Sanchar Nigam Ltd., Jaipur.
3. The Principal General manager, Telecom District, M.I. Road, Jaipur.
4. The Chief Managing Director, Bharat Sanchar Nigam Limited, Corporate Office, States Man House, New Delhi.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- (a) By an appropriate order and direction the whole act of the respondents may kindly be quashed and set aside and the respondents may be directed to pass order for financial upgradation/promotion in the pay scale of Rs.16000-20800/- in favour of the applicant.
- (b) By an appropriate order and direction, the respondents may be directed to pay arrear with 18% interest from date of due to the date of actual payment.
- (c) Any other order, relief or direction, which this Hon'ble Tribunal may deem fit and proper be also passed in favour of the applicant.

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(d) Cost of the Original Application may kindly be awarded to the applicant."

2. The case set up by the applicant is that while working in the pay scale of Rs.14500-18700/-, he was entitled for first financial upgradation in the IDA pay scale of Rs.16000-20800/- due on 01.04.2004 to 01.10.2006. The grievance of the applicant is that while considering his case by the Screening Committee, uncommunicated adverse remarks have also been taken into consideration, which could not have been taken and it was on this basis the applicant was held not entitled for the grant of aforesaid financial upgraded pay scale. The applicant has also filed representation as well as served legal notice to the respondents (Annexure A/4).

4. We have heard learned counsel for the applicant at admission stage. As can be seen from Annexure 'A' appended with IInd report of the Screening Committee, for 1st IDA upgradation to the scale of Rs.16000-20800/- of ad hoc STS level Executives of BSNL working in Rajasthan circle, it is evident that Screening Committee consider the ACRs w.e.f. 1999-2000 to 2005-2006 whereby he has been awarded following ACRs grading:-

Year	ACR Grading
1999-2000	Average
2000-2001	Adverse
2001-2002	Not Applicable
2002-2003	Below Average
2003-2004	Average
2004-2005	Below Average
2005-2006	Average

Thus from this documents, it is evident that adverse entry(ies) of the applicant was also taken into consideration by the Screening Committee. Learned counsel for the applicant submits that no adverse entry(ies) was communicated to the applicant.

5. In view of what has been stated above, we are of the view that the matter can be disposed of at this stage with a direction to the respondents to decide the representation/Registered AD legal notice of the applicant by passing a reasoned & speaking order. Accordingly, the OA is disposed of at admission stage with direction to respondent no. 2 to decide legal notice of the applicant dated 03.12.2008 (Annexure A/4) by passing a reasoned & speaking order thereby dealing all the contentions as raised in his representation/legal notice as well as the fact whether uncommunicated adverse entries were taken into consideration by the Screening committee for the purpose of denying benefit under 1st upgradation to IDA pay scale Rs.16000-20800/-. Such decision shall be taken within a period of two months from the date of receipt of a copy of this order. In case the applicant is aggrieved by the order to be passed by respondent no.2, he will be at liberty to approach this Tribunal again by filing substantive OA.

6. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ