

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 07th day of October, 2010

ORIGINAL APPLICATION NO. 444/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Krishna Charan Sharma son of Shri Bhuvneshwar Lal Sharma, aged 60 years, resident of 423, Haribhau Upadhaya Extension, Ajmer.

.....Applicant

(By Advocate: Mr. Rajvir Sharma)

VERSUS.

1. Union of India through its Secretary, Ministry of Human Resources Development, New Delhi.
2. Secretary, National Council for Educational Research and Training, Shri Aurbindo, New Delhi.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

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

"In conspectus of above state of facts, it is prayed to Hon'ble Tribunal that this Hon'ble Tribunal may very graciously be pleased to call for and examine the entire record of the case, accept and allow this Original Application and allow promotion of the applicant to Professor of Physics w.e.f. his eligibility date 01.01.2000 as per the UGC criterion of eligibility on 8 years of service as Reader.

- a) By an appropriate order and direction your honour may be pleased to declare the interview on 21.12.2009 null and void and direct the respondents to hold interview afresh and allow the applicant promotion as Professor of Physics w.e.f. 01.01.2000 i.e. the date of eligibility as per UGC norms on completion of 8 years service as Reader with consequential benefits. Since the applicant is very close to his retirement this may be done within a reasonable time frame of one or two months.

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In alternative

- b) By an appropriate order and direction in the nature thereof the respondents may be directed to promote the applicant to the post of Professor of Physics w.e.f. the date of eligibility (01.01.2000) as per UGC norms i.e. on completion of 8 years service as Reader.
- c) Cost of the Original Application may kindly be awarded to the applicant.
- d) Any other Order or direction this Hon'ble Tribunal may deem fit and proper be also passed in favour of the applicant. "

2. Learned counsel for the applicant submits that he will be satisfied if direction is given to the respondents to decide the appeal/representation dated 12.10.2010 (Annexure A/9) whereby the applicant has requested to review the NCERT interview held on 21 & 22.12.2009 on account of irregularities pointed out in the said appeal/representation.

3. In view of what has been stated above and without going into merit of the case, we are of the view that the present OA can be disposed of with the direction to Respondent no. 1 to decide the appeal/representation of the applicant dated 12.10.2009 (Annexure A/9) 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. 1 on the said appeal/representation, it will be permissible for him to file substantive OA. It is made clear that we have not gone into merit of the case and the present OA is being disposed of only on the basis of contention raised by the learned counsel for the applicant that the appeal/representation of the applicant dated 12.10.2009 (Annexure A/9) may be decided by the appropriated authority.

4. With these observations, the OA is disposed of at admission stage with no order as to costs.

Anil Kumar
 (ANIL KUMAR)
 MEMBER (A)
 AHQ

M.L. Chauhan
 (M.L. CHAUHAN)
 MEMBER (J)