

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

3

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

27-5-2011

OA. 212/2011

Mr. C.B. Sharma Counsel for applicant.

Heard counsel for applicants.

The OA stands dismissed.
by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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

Mr.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 27th day of May, 2011

ORIGINAL APPLICATION NO. 212/2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Bhag Chand Shrimal son of shri Mohan Lal Shrimal, aged about 45 years, resident of Quarter type II/54, CSWRI, Avika Nagar, Malpura, District Tonk and presently working as Senior Clerk, Central Sheep & Wool Research Institute, Avika Nagar, District Tonk.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through Secretary, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
2. Deputy Director General (Animal Science), Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Central Sheep & Wool Research Institute (CSWRI), Avika Nagar, District Tonk.
4. Chief Adminsitration Officer, Central Sheep & Wool Research Institute (CSWRI), Avika Nagar, District Tonk.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant preferred this OA against the arbitrary, illegal and unjustified action of the respondents in connection with down grading of ACR's by the Reviewing Officer inspite of the fact that Reporting Officer had graded him 'Good' and 'Very Good' year to year and by this action, the applicant has been deprived from his due promotion to the cadre of Assistant and in the garb of ACRs, the respondents are not allowing the benefit of MACP. It is further alleged that the applicant was never communicated down grading of ACRs since 2002 and when the




applicant approached this Hon'ble Tribunal in OA No. 118/2008 against depriving him from selection to the cadre of Assistant under 25% limited Departmental Competitive Examination and respondents come with the reply that the applicant due to awarding marks of the service record not selected. So the applicant sought information under RTI Act, 2005 as regards to ACRs since 2001 to 2007. However, Information Officer rejected the request of the applicant and after intervention of the Appellate Authority, respective ACRs were made vide letter dated 30.10.2010 against which the applicant also represented before the respondent nos. 2 & 3 on 11.05.2011 and the same is pending for due consideration with the request that such ACRs be expunged or be ignored in connection with selection as well as placement in higher scale.

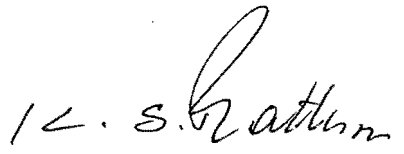
2. This is the second round of litigation. Earlier also, the applicant preferred OA No. 118/2008, which was decided on 27.04.2011. In that OA, the applicant prayed for relief that the respondents be directed to promote the applicant to the post of Assistant, scale Rs.5500-9000/- from the post of Senior Clerk, scale Rs.4000-6000/- from the date respondent no. 4 was so promoted with all consequential benefits including arrears of pay & allowances after due fixation of pay. Reply submitted by the respondents reveals that in the ACRs, the Reviewing Authority had graded the applicant as 'Average' and, therefore, he was not promoted to the post of Assistant, scale Rs.5500-9000/- and the OA stands dismissed by this Tribunal vide order dated 27.04.2011. The plea taken by the applicant that he was not aware of downgrading of his ACRs from 21.07.1986 to 31.03.2009 and he only came to know when the reply was filed by the respondents in his earlier OA No.



118/2008. Be that as it may, the applicant filed a representation dated 11.05.2011 (Annexure A/2) in this regard. Thus without entering into merit of the case, we are of the view that ends of justice will be met if we direct the respondents to consider the representation of the applicant dated 11.05.2011 (Annexure A/2) on its own merit and pass a speaking order in accordance with the provisions of law and shall communicate the decision so taken on the representation.

3. With these observations, the OA shall stand disposed of accordingly.


(ANIL KUMAR)
MEMBER (A)
AHQ


(JUSTICE K.S. RATHORE)
MEMBER (J)