

THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH, JAIPUR ORDER SHEET

Original

APPLICATION NO.: 361/2011

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

06/09/2011

OA No. 361/2011

Mr. Rajvir Sharma, Counsel for applicant.

Heard.

The O.A. is disposed of by a separate order on the separate sheet for the reasons recorded therein.

Anil Kumar

[Anil Kumar]

Member (A)

[Signature]

K. S. Rathore

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

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 361/2011

DATE OF ORDER: 06.09.2011

CORAM

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

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Jagdish Chandra Panwar, aged about 57 years, S/o Shri Keshuramji, R/o Kherli Phatak, Station Road, Kota. At present working as Dy. Narcotics Commissioner, Mahaveer Nagar-I, Jhalawar Road, Kota.

...Applicant

Mr. Rajvir Sharma, counsel for the applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. The Narcotics Commissioner, 19 The Mall, Morar, Gwalior (M.P.).
3. Dy. Narcotics Commissioner, Mahaveer Nagar-I, Jhalawar Road, Kota.

...Respondents

ORDER (ORAL)

A short controversy involved in this Original Application is that the applicant has been denied the benefit of 3rd financial up-gradation under MACP Scheme on account of pending enquiry, and, therefore, the recommendation of the Screening Committee was kept in sealed cover.

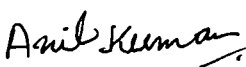
2. The applicant represented before the respondents vide Annexure A/4 representation dated 10.09.2010 and the same has been decided by the respondents vide Annexure A/1 dated 05.09.2010. Subsequently, the applicant has preferred another representation dated 24.12.2010 (Annex. A/5) wherein in addition to the earlier representation dated 10.09.2010, he has categorically stated in para 2 that

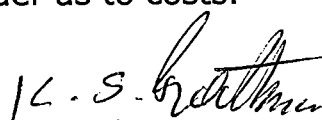


findings of the Screening Committee which was held on 04.05.2010 is to be implemented from 01.09.2008 therefore necessity of vigilance clearance on 04.05.2010 should not be obtained. Vigilance clearance should be observed from the date (01.09.2008) on which the financial up-gradation is to be granted. Since the applicant has taken the new ground in the representation dated 24.12.2010, therefore, in our considered view, we deem it fit and proper to direct the respondents to consider the case of the applicant in accordance with provisions of law and pass a reasoned and speaking order. Further, the respondents are directed to communicate the decision so taken on the representation dated 24.12.2010 (Annex. A/5) to the applicant, and since the matter is pending since 2008, it is expected from the respondents to decide the representation of the applicant expeditiously, but in any case not later than a period of two months from the date of receipt of a copy of this order.

3. The applicant is given liberty to file substantive Original Application, if any prejudicial order is passed by the respondents against the interest of the applicant.

4. With these observations and directions, the Original Application stands disposed of. No order as to costs.


(ANIL KUMAR)
MEMBER (A)


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