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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI -5.

O.A. NO. 233 of 1994.
T.A. No.

DATE OF DECISION 29-6-1995.

Shri. M.P. Rajak.

PETITIONER(S)

Shri B.K. Sharma.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Shri S. Ali, Sr.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L. SANGLYINE, MEMBER (ADMINISTRATIVE)

1. Whether Reposters of local papers may be allowed to see the Judgment? yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ? } NO
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman. *Will hand over*

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 233 of 1994.

Date of Order : This the 29th Day of June, 1995.

Justice Shri M.G. Chaudhari, Vice-Chairman.

Shri G.L. Sanglyine, Member (Administrative)

Shri M.P. Rajak, Superintendent,
Indian Council of Agricultural Research,
Research Complex for Mizoram Centre,
Kolasib, Mizoram.

. . . Applicant.

By Advocate Shri B.K. Sharma.

- Versus -

Union of India & Ors.

. . . Respondents.

By Advocate Shri S. Ali, Sr. C.G.S.C.

O R D E R

CHAUDHARI J. (V.C)

The application is directed against the order passed by respondent No. 3 promoting respondents No. 4 to 7 as Assistant Administrative Officers, ^{dated 17.11.94.} The applicant prays that respondents may be directed to appoint him on promotion to the Grade of Assistant Administrative Officer ~~after passing the aforesaid order~~ and from the date when the said respondents were promoted.

2. The applicant had filed a representation to the Director, I.C.A.R., Research Complex for N.E.H. Region seeking selfsame relief of promotion. However, without waiting for the decision on the said representation he rushed to this Tribunal on 9.12.94.

3. The respondents have admitted in para 9 of the written statement that the applicant had filed the representation on 19.11.94 but state that before its disposal the

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applicant had filed the O.A. without waiting for the result of the representation.

4. We therefore think that it will be appropriate to direct the concerned authority of the respondents to deal with and dispose of the said representation on merits.

5. It may be noted that it is the contention of the applicant that since he belongs to scheduled caste community and as according to him the roster of the reservation of vacancy for the promotion required scheduled caste community to be appointed he is eligible to be promoted. This question needs to be critically examined.

6. It also appears that the applicant was considered by the DPC on 5.10.94 for selection for promotion but he was not found suitable. Hence the authority which will deal with the representation may also consider in the event of applicant being found eligible against the reserved post whether a review DPC should be constituted to obviate the legal hurdle of selection for the purpose of evaluating relative assessment of the applicant with the candidates who have already been appointed if any of them were belonging to the reserved category.

7. However, it is left open to the authority to consider the case of the applicant for promotion on general merit also and the consideration may not be necessarily confined to the question of reservation. The authority concerned shall examine all the questions irrespective of the contentions raised in the written statement independently. The representation be disposed of expeditiously and as far as practicable within a period of two months from the date of receipt of copy

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of this order. The decision shall be communicated to the applicant. If the applicant feels aggrieved by the said decision he will be at liberty to adopt remedies in accordance with the law including approaching this Tribunal in which event the contentions urged by both the parties in this O.A. as may be relevant will be open to be agitated.

8. The O.A. is disposed of in terms of the above order.
No order as to costs.


(G.L.SANGLYINE)
MEMBER (A)


(M.G.CHAUDHARI)
VICE CHAIRMAN