

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

O.A. No. 736/2016

New Delhi, this the 7<sup>th</sup> day of April, 2016.

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN  
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Dr. Ram Kumar, SAG,  
S/o Shri C. Lal,  
Aged 56 years,  
R/o Flat No.178, Pocket 6/3,  
Nasirpur Road, Dwarka, Sector-1A,  
New Delhi-45.

.. Applicant

(By Advocate : Shri Atul Kumar with Shri Prashant Pachauri)

Versus

1. Director General,  
ESIC Corporation,  
Panchdeep Bhawan,  
CIG Road, New Delhi.

2. The Secretary,  
Union Ministry of Labour and Employment,  
Shram Shakti Bhawan,  
Rafi Marg, New Delhi

.. Respondents

(By Advocate : Shri Anil Singal)

**ORDER (ORAL)**

**By Mr. Justice Permod Kohli**

We intend to dispose of the O.A. at the admission stage itself. Therefore, we have requested Shri Anil Singal, a panel counsel, to appear in the matter on behalf of the respondents.

2. The applicant joined ESIC as Insurance Medical Officer on 28.11.1990. He came to be promoted as CMO-NFSG in Pay Band-4 with Grade Pay Rs.8700/- w.e.f. 01.03.2008. The applicant is seeking benefit of Dynamic Assured Career Progression (DACP) Scheme as introduced by 6<sup>th</sup> Central Pay Commission. The Scheme

was extended upto Senior Administrative Grade (SAG) level. According to the applicant, he is entitled for SAG w.e.f. 28.11.2010 whereas he has been granted the benefit w.e.f. 01.04.2013. It is further alleged that he has been denied benefit of SAG w.e.f. 28.11.2010 primarily on the ground of non-communicated downgraded ACRs.

3. Learned counsel for the applicant submits that non-communicated downgraded ACRs cannot be relied upon to deny the benefit to the applicant. The applicant has served a legal notice dated 29.09.2015. We find that the copy of the legal notice is not on record. Admittedly, the legal notice has not been responded to.

4. Since the respondents have to take a decision in regard to the claim of the applicant, it is deemed appropriate to dispose of the O.A. with a direction to the respondents to consider the legal notice of the applicant referred to above. The applicant will serve a copy of the legal notice upon the counsel for the respondents within two days. On notice being served on the counsel for the respondents, the respondents will consider and decide the same within a period of four weeks. In the event, the claim of the applicant is to be rejected, it shall be by a reasoned and speaking order. Needless to say that the applicant shall have liberty for redressal, if aggrieved. No order as to costs.

**(NITA CHOWDHURY)**  
**Member (A)**

**(PERMOD KOHLI)**  
**Chairman**