

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.4297/2013

New Delhi this the 19th day of January, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Nitish Sharma
S/o late Shri Ram Phal Sharma
R/o D-109/A, Gali No.-1
Burari Road, Saroop Nagar
Delhi – 110 042.

.... Applicant

(By Advocate:Applicant in person)

VERSUS

1. Union of India
Through its Secretary
Ministry of Corporate Affairs
Vth floor, A-Wing, Shastri Bhawan
Dr. Rajender Prashad Road
New Delhi – 110 001.

2. Regional Director (N.R.)
Ministry of Corporate Affairs
PDIL Bhawan, Indian oil Circle
Sector-1, NOIDA (UP).

3. Registrar of Companies NCT of Delhi & Haryana
4th floor, IFCI Tower, 61, Nehru Place
New Delhi – 110 049. Respondents.

(By Advocate:Shri Rajesh Katyal)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar,

The applicant, who is working as Stenographer Grade III under the respondent-Ministry of Corporate Affairs, filed the present OA, seeking the following reliefs :-

- "a) to set aside impugned action upon recommendations dated 6.11.2012 of screening committee with all its consequences.

- b) to grant applicant to MACP/ACP in the hierarchy of promotion i.e. in the Grade Pay of Rs.4200/- from the due date.

- c) to order disciplinary action against respondents for harassing applicant and to pay him damages.
- d) to award the costs in favor of the applicant and against the respondents; and
- e) to pass such other order or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case"

2. It is the short grievance of the applicant that his case for granting of benefits under the Modified Assured Career Progression Scheme was not considered by the Departmental Screening Committee wrongly by stating as under :-

"Recommendation of Shri Nitish Sharma, Steno Gr.III.

The Screening Committee has considered the note in respect of Shri Nitish Sharma Steno, Gr.III in ROC, Delhi. After perusing the facts the Screening Committee recommended that ROC, Delhi may be directed to submit full service record of Shri Nitish Sharma, Steno, Gr.III and also specific comments for granting MACP to Shri Nitish Sharma, Steno Gr.III in the light of service record of Shri Sharma. As CRs for few years are not available, attention of ROC, Delhi also be invited for doing the needful in the matter (years for which CRs of Shri Sharma not available may be made known to ROC, Delhi.)"

But the same was not correct and the relevant record was available.

3. It is the submission of the applicant that the relevant records in fact were available at the relevant time but not produced by the concerned authority before the Screening Committee, which the respondents' counsel vehemently opposes.

4. However, the fact remains that as on today, some of the relevant information is available and there is no impediment for consideration of the case of the applicant basing on the said record.

5. The learned counsel for the respondents would submit that since there was a break in service and certain other issues also were there and certain OAs regarding this issue were also pending, applicant's case could not be considered.

6. Since as on today, the record relating to ACR etc. is available, the instant OA is disposed of without going into the merits of the case by directing the respondents to consider the case of the applicant for granting of benefits under ACP/MACP as per rules, within three months from the date of receipt of a copy of this order. The authorities shall consider the entire record including all aspects relating to the issue while considering the case of the applicant. No costs.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

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