

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.4090/2013
MANo.3105/2013

This the 26th day of August, 2015

**Hon'ble Shri A.K. Bhardwaj, Member (J)
Hon'ble Shri K.N. Shrivastava, Member (A)**

Prakash Chandra Ramawat
Joint Commissioner (Retd.)
A-1/25 Central Government
Officers Complex
16, Dover Lane,
Kolkata-700029. Applicant

(By Advocate: Ms. Shikha Sapra)

Versus

Union of India
Through Secretary(Revenue)
Ministry of Revenue
Central Board of Excise & Customs
New Delhi. Respondent

(By Advocate: Mr. Satish Kumar)

ORDER(ORAL)

By Hon'ble Shri A.K.Bhardwaj, Member (J)

MA-3105/2013

For the reasons stated therein the MA seeking
condonation of delay, is allowed.

OA-4090/2013

The applicant has filed this OA under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief(s):-

- "a) Set aside and quash letter dated 27.12.2011 whereby the applicant has been communicated below bench mark rating;
- b) Set aside the quash letter dated 27.12.2011 and revise the ACR grading of the applicant.
- c) Consider the Applicant for Promotion;
- d) Consider the past ACR ratings of the Applicant for Promotion;

2 Learned counsel for the applicant submitted that the remarks/gradings in the ACR of the applicant for the period from 15.06.2009-29.12.2009 and 30.12.2009 to 31.03.2010 were communicated by the respondents vide their letter dated 27.12.2011 and the applicant would be satisfied if a direction is given to the respondent to decide the representation made by him in response to the communication dated 27.12.2011. In terms of general instruction issued by DOPT OM No.21011/1/2010-Estt dated 13.4.2010, the gradings below bench marks in the ACR are required to be communicated to the concerned employee to give him an opportunity to make

representation against the same and the representation so made should be decided objectively. Relevant excerpt of the OM reads thus:-

“ACRs with below benchmark grading considered in past DPCs.- The undersigned is directed to state that this Department has issued O.M. of even number, dated 13-4-2010 that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPC contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. The representation is to be decided by the Competent Authority as per provisions in Para 2 of aforesaid O.M.”

3. In view of above, the OA is disposed of with direction to the respondents to decide the representation dated 06.04.2012 made by the applicant against the gradings below bench mark within a period of 8 weeks from the date of receipt of a copy of this order under intimation to the applicant. No costs.

**(K.N. Shrivasta
Member(A))**

**(A.K. Bhardwaj)
Member(J)**

/rb/