

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 4216/2014

New Delhi, this the 2nd day of August, 2016.

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)**

Pravin Kumar Kulshrestha,
Aged 60 years,
Ex Post Superintending Engineer
(now retired)
S/o Shri Rajender Prakash,
R/o D-II (Type)/62,
Andrews Ganj, New Delhi. Applicant
(Applicant in person)

Versus

1. Union of India
Through the Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. DG, C.P.W.D.,
Nirman Bhawan,
New Delhi.
3. M/o Personnel, Public Grievances and Pensions
Through the Secretary,
Department of Personnel and Training,
Govt. of India,
North Block,
New Delhi. Respondents

(By Advocate : Shri D.S. Mahendru)

ORDER (Oral)**By Hon'ble Mr. P.K. Basu**

Heard the applicant in person and Shri D.S. Mahedru, counsel appearing on behalf of the respondents.

2. The prayer of the applicant in the O.A. is as follows:

“To issue direction to the respondents to release the same benefits of Non-Functional Upgradation to the applicant with effect from 01.01.2006 which as IAS officer who is junior to the applicant by two years and posted at centre as on 01.01.2006 has drawn on the 01.01.2006.”

3. During his arguments, the applicant has stated that he belongs to the 1980 Batch and in para 4.7, he has indicated the names of 1982 Batch IAS Officers, who have been posted as Joint Secretary in different Ministries. Shri Tapan Ray was first IAS, who had joined on 30.10.2002. Therefore, the applicant claims that he should be granted the upgraded NFU scale from 30.10.2002.

4. The applicant further clarifies that the respondents have incorrectly mentioned that he belongs to 1976 Batch of Central Engineering Service as he got into the Central Engineering Service only as a 1980 Batch.

5. The learned counsel for the respondents, Shri D.S. Mahendru, drew our attention to point No.(iii) of Annexure-I of the DoPT O.M. dated 24.04.2009 regarding NFU which clearly states that all

prescribed eligibility criteria and promotional norms including benchmark would have to be considered for grant of NFU.

6. It is further stated that the case of the applicant along with several other Engineers was considered in the Screening Committee Meeting on 01.11.2011 and the Screening Committee found the applicant as 'unfit'. Therefore, he was not granted the benefit of NFU.

7. From the narration of above facts, we find that the respondents have strictly adhered to the provisions of 2009 O.M. and the Screening Committee has, based on the benchmark, decided each and every case in which unfortunately the applicant was found as 'unfit'. We further note that the applicant has not challenged the minutes of the Screening Committee.

8. In view of the above, we find that the O.A. lacks merits and, therefore, the same is dismissed. No order as to costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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