

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00506/2017 in & OA/310/00003/2017

Dated Friday the 3rd day of August Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

&

HON'BLE MR. P. MADHAVAN, Member (J)

K.U.Rajesekar,
working as Director,
Regional Controllerate of Safety (SR),
Armored Vehicles Head Quarters Complex,
Avadi, Chennai 600054.
residing at 01, Padmavathy Street,
Chakra Nagar, Mangadu,
Chennai 122.Applicant/Applicant

By Advocate M/s. B. Satish Sundar

Vs

- 1.Union of India rep by the,
Ordnance Factory Board,
rep by the Director General,
10A, S.K.Bose Road, Kolkata 700001.
- 2.The General Manager,
Gun Carriage Factory,
Jabalpur 482011.
- 3.The Additional General Manager,
Gun Carriage Factory, Jabalpur 482011.
- 4.The Regional Director,
Regional Controllerate of Safety,
Armored Vehicles Head Quarters Complex.
Avadi, Chennai 600054.Respondents

By Advocate Mr. S. Nagarajan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief :

"To set aside order No. 410/PER/G, dated 20.12.2016 issued by the 1st respondent and "consequently direct the respondents to upgrade the overall grading of the applicant as "very good" with numerical grading of 6 or above in the APAR 2011-12 and APAR 2013-14 and consequently direct the respondents to promote the applicant in the grade of SAG (NFU) on par with his batch mates within time limit to be stipulated by this Honourable Court" and pass such further or other orders as may be deemed fit and proper."

2. Learned counsel for applicant submits that the applicant was aggrieved by the disposal of his appeal dt. 23.03.2015 by an order dt. 14.12.2016 of the respondents by which his request for upgrading his APARs to 6 or above for the period 01.04.2013 to 31.03.2014 had been rejected. It is submitted that based on his APARs, the applicant had subsequently been compulsorily retired from service, which order had been challenged separately in another OA 1882/2017 which is pending before this Tribunal. The matter is coming up on 05.09.2018 but no stay has been granted against the order of compulsory retirement.

3. A perusal of the impugned order shows that the applicant's representation has been rejected on the ground that the applicant's contention that he was a consistently good performer with a grading of 6 or above was not correct as he had obtained only 5.76 in the year 2011-12. It is further stated that the applicant's request for upgradation

could not be referred to the reporting officer and the reviewing/accepting authority as per the laid down procedure as the officers concerned at the relevant time at these levels had since superannuated. It has also been noted that the remarks recorded by the reporting officer had been substantiated by issue of an advisory to the applicant regarding his performance during the period 2013-14.

4. Prima facie, we are not able to find any fault in the impugned order. Since, the applicant has already been compulsorily retired which order though under challenge has not been stayed by the Tribunal, we are of the view that the matter being agitated in this OA is infructuous. The matter could be revisited if the applicant succeeds in the said OA.

5. This OA is disposed of with the aforesaid observations. Consequently, MA 506/2017 for stay stands disposed of. No costs.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

03.08.2018

SKSI