

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00886 OF 2016
Cuttack, this the 3rd day of January,2017

CORAM
HON'BLE MR. R. C. MISRA, MEMBER (A)

.....

Shri Ram Prakash Dwivedi, aged about 48 years, S/o Ram Pratap Dwivedi, At-Pataraha, P.O.- Paigamberpur, Dist:- Banda, State-UTTAR PRADESH, at present working as the Principal, Kendriya Vidyalaya, Nuapada, At/P.O- Nuapada, Dist-Nuapada, ODISHA.

...Applicant
(By the Advocate-M/s. S. Mohapatra)

-VERSUS-

Union of India Represented through

1. The Chairman, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheed Jeet Singh Marg, NEW DELHI.
2. Asst. Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Raipur(K.V.No.2, Raipur Campus), Sec-IV, Din Dayal Upadhyaya Nagar, RAIPUR-492010.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Raipur K.V.No.2, Raipur Campus, Sec-IV, Din Dayal Upadhyaya Nagar, RAIPUR-492010.
4. Joint Commissioner (Personnel), Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheed Jeet Singh Marg, NEW DELHI.

...Respondents

By the Advocate-Mr. H.K. Tripathy

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Ms. S. Mohapatra, Ld. Counsel appearing for the applicant and Mr. H.K. Tripathy, Ld. Counsel appearing for the Respondents-KVS on whom a copy of this O.A. has been served and perused the materials placed on record.

2. Ms. Mohapatra submitted that the applicant is continuing as Principal, Kendriya Vidyalaya, Nuapada since 10.06.2014. His performance was quite satisfactory and no adverse comments were communicated to him in course of his work. But in the Annual Performance Assessment Report (APAR) for the year 2014-15, he was graded only 4.43 in the grading system

which is below the bench mark for promotion to the next higher grade. The applicant has submitted a representation against the said APAR grading with a prayer to upgrade the grading with APAR above the Bench mark level. This representation dated 28.09.2015 (Annexure-A/4) which is stated to have been submitted to the Joint Commissioner (Personnel), KVS, New Delhi (Respondent No.4) has not yet been disposed of. Hence this O.A.

3. Mr. H.K. Tripathy, Ld. Counsel appearing for the Respondents-KVS has submitted that he has no information regarding the present status of the representation, which has been preferred by the applicant.

4. However, *prima facie*, it appears that the representation was submitted on 28.09.2015 and therefore, a long time has passed in the meantime. Since, the APAR is very important document for considering the promotion and other benefits of the applicant, therefore, any representation made with regard to APAR, should be disposed of expeditiously, so that there will be no road block for the applicant to go further in his service careers. In this view of the matter, it is considered expedient that when a representation has been made and apparently is still pending with the concerned authorities, it is incumbent upon them to take a view on this matter and communicate a decision to the applicant expeditiously.

5. Having regard to the above facts and circumstances, I am not inclined to issue notice asking the respondents to file their counter. Therefore, without going into the merit of the matter, I dispose of this O.A. at this admission stage by directing Respondent No.4 i.e., the Joint Commissioner (Personnel), KVS, New Delhi to consider the aforesaid representation dated 28.09.2015 (Annexure-A/4), if at all filed and is still pending consideration, and

communicate the result thereof to the applicant by way of a well reasoned order within a period of two months from the date of receipt of a copy of this order.

6. With the aforesaid observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Ms. S. Mohapatra, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent No.4 by Speed Post at the cost of the applicant, for which Ms. Mohapatra undertakes to file the postal requisites by 05.01.2017.

(R.C.MISRA)
MEMBER(A)

K.B.