

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.245/2014.**

**Date of Decision: 05.10.2018.**

***CORAM:HON'BLE DR. BHAGWAN SAHAI, MEMBER (A)***  
***HON'BLE SHRI R.N. SINGH, MEMBER (J)***

Dr. N.L. Sharma, Ph. D.  
 Aged 59 years,  
 Associate Professor, National  
 Defence Academy, Khadakwasla,  
 Pune – 411 023.  
 R/at D-3/81, National Defence Academy,  
 Khadakwasla, Pune 411 023. ... *Applicant*  
*(By Advocate Shri S.P. Saxena )*

**VERSUS**

1. The Union of India, through  
 The Secretary, Ministry of Defence,  
 DHQ, P.O., South Block,  
 New Delhi 110 011.
2. The Principal Director (Pers.)  
 HQ. Integrated Defence Staff, Ministry  
 of Defence, Directorate of Personnel,  
 Kashmir House, Rajaji Marg,  
 New Delhi 110 011.
3. The Commandant  
 National Defence Academy,  
 Khadakwasla, Pune 411 023.
4. The Deputy Commandant  
 National Defence Academy,  
 Khadakwasla, Pune 411 023.
5. The Principal,  
 National Defence Academy,  
 Khadakwasla, Pune 411 023. ... *Respondents*  
*(By Advocate Shri R.R. Shetty with  
 Shri D.A. Dube)*

**ORDER** (Oral)  
Per : Shri R.N. Singh, Member (J)

The Applicant who retired from service of the respondents from 30.09.2014 on attaining the age of superannuation has filed this OA praying for the following reliefs:

“8.a) *To allow the application,*

*8.b) to hold and declare that the communication of below Benchmark grading of six years period 2000-01, 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, all by a single letter dated 02.04.2013 is illegal, besides being arbitrary and non-sustainable in law,*

*8.c) to quash and set aside the letter dated 22.07.2013 issued by respondent no.3 and direct the respondents to ignore the ACRs referred in letter for consideration of Screening Committee for applicant's upgradation to the post of Professor, which he had become eligible in 2009, by holding Review meeting of the Screening Committee for each year in accordance with Rules/Law,*

*8.d) to direct the respondents to convene Screening Committee meeting every year in time, and reconsider applicant's case for promotion/upgradation to the post of Professor after taking three years ACR, after 2008-09 period, which are not yet communicated as below benchmark, and promote him with retrospective effect.*

*8.e) to pass any other order which may be considered appropriate in the facts and circumstances of the case,*

*8.f) to grant all consequential benefits, to the applicant,*

*8.g) to award the cost of application.”*

**2.** Learned counsel for the applicant submits that the impugned communication dated 22.07.2013 is non-speaking, non-reasoned and also contrary to the relevant instructions on the subject. He has invited our attention to representation of the applicant dated 11.04.2013 (Annex A6) which reads as under:

*“1. With due respect I wish to inform you that I have left no stone unturned to please my superior officers during the above mentioned period by may hard work, sincere effort and full loyalties while discharging academic, regimental as well as administrative duties.*

*2. This is to further inform you that I have never been communicated any adverse report from any quarter so far as performance of my duties are concerned.*

*3. I, therefore, request you to take appropriate step to make my Annual Performance Appraisal Report in respect of above cited period above bench mark so that I could not face any difficulty in my promotion due from 01.01.2009.”*

**3.** It is found that no specific ground or reason has been given in the representation dated 11.04.2013 to seek upgradation of the ACRs. However, it is being argued that this has happened because the complete ACRs for the period noted therein the relief/prayer clause of the OA had never been supplied to the applicant. The learned counsel for the

applicant further submits that the applicant would be satisfied at this stage, if a direction is given to the respondents to supply a complete copy of ACRs for the period for which the gradings have been given below-benchmark i.e. 2000-2001 and 2008-2009 within a time-bound manner and the applicant is given liberty to make a comprehensive representation against such ACRs for upgradation of their gradings.

**4.** In view of the above, OA is disposed of with direction to the respondents to supply to the applicant a copy of the complete ACRs of the period from 2000-2001 to 2008-2009 within four weeks of receipt of certified copy of this order. On receipt of such ACRs, the applicant shall be at liberty to file representations against the below-benchmark ACRs for necessary action at the end of the competent authority. On receipt of such representations, the same shall be considered by the competent authority in accordance with relevant rules and instructions on the subject and pass a reasoned and speaking order within three months.

**5.** In the above terms, the OA is disposed of. Accordingly, MA No.587/2016 also stands disposed of.

***(R.N. Singh)***  
***Member (J)***

***(Dr. Bhagwan Sahai)***  
***Member (A)***

*dm.*