

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

ORIGINAL APPLICATION NO. 581 OF 2017

Date Of Decision:- 24th January, 2019.

***CORAM: R. VIJAYKUMAR, MEMBER (A).
R. N. SINGH, MEMBER (J).***

1. Shri. Akhilesh Kumar Agarwal

Scientist D
Central Water and Power
Research Station, Khadakwasla,
Pune 411024.
(R/at:- E-9, CWPRS Colony,
Kirkitwadi, Pune 411024.)

2. Shri. Yogendra Nath Srivastava

Scientist D
Central Water and Power
Research Station, Khadakwasla,
Pune 411024.
(R/at:- G-306, "Asawari" Nanded city,
Pune 411041)

....Applicants

(Applicants by Advocate Shri. S.P. Saxena and Smt. Sujatha)

Versus

1. The Union of India, through

The Secretary, Ministry of Water Resources and River
Development, Ganga Rejuvenation, Shram Shakti Bhawan,
New Delhi 110001.

2. The Director,

Central Water and Power
Research Station, Khadakwasla,
Pune 411024.

3. The Secretary

UPSC Dholpur House,
Shahjahan road, New Delhi 69.

....Respondents

*(Respondents by Advocates Shri. R.R. Shetty & Shri. V.B.
Joshi)*

ORDER (ORAL)
Per: R. Vijaykumar, Member (A)

1. Heard Smt. Sujatha, learned counsel for applicants and Shri. R.R. Shetty along with Shri. V.B. Joshi, learned counsel for respondents.
2. The applicants who are working as Scientist Group 'D' under the respondents have jointly filed the present OA seeking the following reliefs:-

"8(a) To Allow the application,

(b) To direct the Respondents to convene Board of Assessment meeting in a fixed period of say 4 to 6 weeks for considering the applicants for their in-situ promotion to scientist - 'E' grade as per the provisions of the Flexible Complementing scheme, and it found fit by the Assessment Board, the applicants be given in-situ promotion from the dates when they have completed their residency period of 5 yrs., in Scientist 'D' grade.

(c) To direct the respondents to consider the applicants for promotion to Scientist-'E', as per the pre-revised Recruitment Rules of 2014 as applicable on the dates when they completed the period of 5 years,

(d) To grant all consequential benefits,

(e) To pass any other orders which may be considered necessary in the facts and circumstances of the case.

(f) *To award the cost of application."*

3. The grievances of the applicants are that they have made representation dated 16.01.2017 to the respondents. However the same has not been looked into and considered by the respondents till date and therefore, on account of inaction at the end of the respondents, the applicants have approached this Tribunal by way of the present OA. In the facts and circumstances, the OA is disposed of with directions to the respondents to consider the pending representation of the applicants dated 16.01.2017 and dispose the same by passing a reasoned and speaking order within ten weeks from receipt of certified copy of this order.

4. In the aforesaid terms, we are making it clear that we are not expressing any our opinion on the merits of the claim of the OA.

5. Accordingly, the said OA is disposed of as above.
No order as to costs.

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

(R. Vijaykumar)
Member (A)

