

**Central Administrative Tribunal
Principal Bench
New Delhi**

**RA No.264/2018
OA No.304/2013**

This the 2nd day of January, 2019

**Hon'ble Mr. Justice Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Shri Anil Kumar Mishra
S/o Sh. Ramdeo Mishra
Aged about 58 years,
Assistant Industrial Adviser
Room No.64-A, Ministry of Steel,
Udyog Bhawan, New Delhi 110107. Applicant.

Versus

1. Union of India
(through its Secretary)
Ministry of Steel
Udyog Bhawan,
New Delhi 110107.
2. Sh. S. K. Bhatnagar
Assistant Industrial Adviser/ad hoc Deputy Industrial
Adviser, Ministry of Steel,
Udyog Bhawan,
New Delhi 110107. Respondents.

O R D E R (By Circulation)

Justice L. Narasimha Reddy, Chairman:

The applicant filed OA No.304/2013 challenging the order dated 18.01.2013 through which his junior was promoted. Another relief claimed by him was as regards the upgradation of ACR for the year 2009-2010. The OA was dismissed through order dated 13.11.2018 on finding that the denial of promotion to the applicant, even while his junior was

promoted, was on account of the fact that his ACR for the year 2009-2010 was graded as “Average”. It was also observed that the applicant did not press the prayer for upgradation of the ACR for the year 2009-2010, and even otherwise, the Tribunal was not satisfied to order upgradation of the same. In this review application, it is stated that the ACR for the year 2009-2010 was required to be considered as “un-communicated” one.

2. We took note of the fact that the ACR of the applicant for the period of five years, preceding the date of consideration for promotion were below the benchmark, and on representation made against that, four of them were upgraded to the level of “Very Good”. The one for the year 2009-2010 was graded as “Average” by the competent authority. That order was not challenged and there is no provision for making further representation.

3. At any rate, the applicant did not press the relief in that behalf. We do not find any merit in the RA and the same is accordingly rejected.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/