

**Central Administrative Tribunal  
Principal Bench**

**OA No.2551/2019**

New Delhi, this the 28<sup>th</sup> day of August, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Firoz Khan  
Aged about 51 years,  
S/o Late Riaz Hasan Khan  
Working as Senior Administrative Officer  
IVRI, Izatnagar, Bareilly,  
UP 243122. .... Applicant.  
(By Advocate: Shri B. N. P. Pathak)

Vs.

1. The President Indian Council of Agricultural Research  
Krishi Bhawan, Dr. Rajendra Prasad Road,  
New Delhi 110 001.
2. The Director General, ICAR  
Krishi Bhawan,  
New Delhi 110 001.
3. The Secretary, ICAR,  
Krishi Bhawan,  
New Delhi 110 001.
4. Sh. Ravi Prakash  
Dy. Secretary/Chief Admn. Officer  
ICAR, Krishi Bhawan,  
Dr. Rajendra Prasad Road,  
New Delhi 110 001. ... Respondents.

**: O R D E R (ORAL) :**

**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Senior Administrative Officer in the Indian Council of Agricultural Research, the 1<sup>st</sup> respondent herein. His APAR for the year 2012-2013 is

graded as Good. The said evaluation came in the way of his promotion to the post of Deputy Secretary/Chief Administrative Officer.

2. Through an order dated 17.05.2019, the 1<sup>st</sup> respondent promoted the 4<sup>th</sup> respondent herein, as Deputy Secretary. This OA is filed challenging the order dated 17.05.2019 as well as the relevant minutes of the DPC which met on 09.04.2019. The applicant also seeks a direction to the respondents to treat the APAR for the year 2012-2013 as *non est*.

3. We heard Shri B. N. P. Pathak, learned counsel for the applicant, in detail at the stage of admission.

4. The applicant was informed that his APAR for the year 2012-2013 is graded as Good, with 5.12 marks. He was permitted to make a representation. However, he initially made an interim representation on 28.08.2014, and that was followed by another representation dated 07.02.2019. Taking the same into account, the respondents passed an order dated 08.04.2019, observing that no ground is made for changing the evaluation of the APAR of the year 2012-2013. The DPC met on the next day, and found the 4<sup>th</sup> respondent as 'Fit' for promotion.

5. It may be true that the 4<sup>th</sup> respondent is junior to the applicant. However, as long as the APAR of the applicant for the relevant period was below the benchmark, there was no way, that the applicant would found treated as 'Fit' for promotion. For the reasons best known to him, the applicant did not challenge the order dated 08.04.2019. Hence, there cannot be any valid challenge to the promotion of the 4<sup>th</sup> respondent.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/