

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00882/2015

Thursday, this the 8th day of August, 2019.

CORAM

**Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

Sugatha Padmanabhan, aged 52 years
W/o P.P. Padmanabhan
Senior Technical Officer
(Lab Technician) (T-6)
Central Plantation Crops Research Institute
Kasargod, Kudlu P.O. 671 124.
Residing at "Swathi", Opp. G.H.S.,
Ad Kath Bail, Kasaragod-671 121.

Applicant

(Advocate: Mr. P.V.Mohanan)

versus

1. The Secretary
Indian Council of Agricultural Research
Krishi Bhavan, New Delhi-110 001.
2. The Director
Central Plantation Crops Research Institute
(ICAR) Kudlu P.O.,Kasaragod-671 124. Respondents

(Advocate: Mr. P.Santhosh Kumar)

The OA having been taken up on 8th August, 2019, this Tribunal delivered the following order on the same day:

O R D E R (oral)

By Ashish Kalia, Judicial Member

The grievance of the applicant is that she was qualified to be promoted to the grade of T (7-8) (Assistant Chief Technical Officer) with effect from

1.1.2010, which was denied to her on the ground that her ACR grading was not upto the mark as it was graded as “Good” for 2 years, which is below the benchmark grading. According to the applicant, these two ACR gradings were never communicated to her. The applicant has relied upon the judgment of the Apex Court in *Dev Dutt's* case- 2008 (8) SCC page 725. Later, her case was considered and her ACRs were upgraded vide memorandum dated 8.9.2014 from “Good” to “Very Good” for the period 2006-2007. Thereafter, the applicant made a detailed representation to the concerned authority which is Deputy Secretary, Indian Council of Agricultural Research. The aforesaid representation is said to be pending for consideration.

2. We are of the view that the OA can be disposed of by directing the concerned authority to consider the representation of the applicant and pass a speaking order within a period of six weeks, by taking into consideration the recommendations made by the Review Assessment Committee on 30.10.2014. Ordered accordingly. The OA stands disposed of as above. If any further grievance still subsists for the applicant, she will be free to approach this Tribunal.

(Ashish Kalia)
Judicial Member

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(E.K.Bharat Bhushan)
Administrative Member

Annexures filed by the applicant:

Annexure A1: True extract of Appendix III of category III.

Annexure A2: True extract of categories and grades of service contained in Modified Technical Service Rules as evidenced by Clause 3.1 and 3.2 of Technical Service Rules.

Annexure A3: Copy of the proceeding No.21-23/2009-CDN dated 23.6.2009 along with OM No.21011/1/2005-Estt(A) (Pt.II) dated 14.5.2009.

Annexure A4: Copy of the proceeding No.F.18(1)/2010/Estt.IV date 23.11.2012.

Annexure A5: Copy of the minutes of the meeting.

Annexure A6: Copy of the minutes of the meeting.

Annexure A7: Copy of the proceeding F.No.4(158)/2009-Estt-I dated 23.7.2011.

Annexure A8: Copy of the communication No.4(158)/2011-Confl. dated 15.11.2012.

Annexure A9: Copy of the communications No.4(158)/2011-Confl., dated 22.11.2012.

Annexure A10: Copy of the explanation dated 29.11.2012.

Annexure A11: Copy of the explanation dated 6.12.2012.

Annexure A12: Copy of the proceeding no.48(1)/2/CR/2011/Confl., dated 7.8.2013.

Annexure A13: Copy of the proceeding No.48(1)/2/CR/2011/Confl. dated 16.4.2013.

Annexure A14: Copy of the proceedings F.No.(158)/2014-Estt./13671 dated 26.6.2014.

Annexure A15: Copy of the representation dated 23.7.2014.

Annexure A16: Copy of the proceedings F.No.6-3/2013-IA-V dated 8.9.2014.

Annexure A17: Copy of the letter No.4(158)/2014-Estt.I (Vol.XVIII) dated 9.1.2015 along with proceeding F.No.11(17)/13 Estt.IV dated 18.11.2014.

Annexure A18: Copy of the representation dated 19.1.2015.

Annexure A19: Copy of the proceedings No.4 (158)/2009-Estt./13423 dated 10.3.2015.

Annexure A20: Copy of the intimation F.No.7(2)Kasd (Anti Sexual) 2006-Confl., dated 24.11.2015.

Annexure A21: Copy of the questionnaire dated 2.12.2015.

Annexure A22: Copy of the reply of the questionnaire dated 4.12.2015.

Annexure A23: Copy of the reply F.No.17(1)RIB(2)/2006-Estt.(VolXVI) dated 7.9.2016.

Annexure A24: Copy of the report and the proceedings of Assessment Committee which met on 30.10.2014 communicated to Sri C.Mohanam

Annexures filed by the respondents:

Annexure R2(a): True copy of TSR for career advancement of staff available in Rule 6.1 to 6.9.

Annexure R2(b): Copy of amendment made in the merit promotion under Rule 6 of TSR vide order No.18(I)/2004-Estt.IV dated 26th December, 2005.

Annexure R2(c): Copy of amendment made in the merit promotion under Rule 6 of TSR vide order No.18(I)/2004-Estt.IV dated 11th June, 2010.

Annexure R2(d): Copy of the order F.No.2(1)2006-Per.IV dated May 16th, 2006, employee is graded as 'Average' in the ACR.

Annexure R2(e): Copy of the letter dated 7.11.2006 of the applicant submitted to the Chairperson, ASHCC.

Annexure R2(f): Copy of the settlement made on 4.1.2007.

Annexure R2(g): Copy of communication dated 7.7.2008.

Annexure R2(h): Copy of communication dated 26.8.2008.

Annexure R2(i): Copy of office order dated 17th April, 2015 issued by ICAR.

Annexure R2(j): Copy of ICAR letter dated 10.11.2015.

Annexure R2(k): True copy of letter No.F.TS-11(17)/2013-Estt.IV dated 25.7.2016 of ICAR.