

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/713/2019

Dated: 13/08/2019

Between

K.R. Ghanshyam, S/o. K.G. Rajagopal,
Aged 51 years, Assistant Administrative Officer,
National Academy of Agricultural Research Management,
Rajendranagar, Hyderabad.

... Applicant

AND

1. The Union of India rep. by its
Secretary,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi.
2. The Director General,
Indian Council for Agricultural Research,
Krishi Bhavan,
New Delhi.
3. The Director,
National Academy of Agricultural
Research Management,
Rajendranagar,
Hyderabad.
4. Senior Administrative Officer,
ICAR & National Academy of
Agricultural Research Management,
Rajendranagar,
Hyderabad.

... Respondents

Counsel for the Applicant : Mr. D. Linga Rao

Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC

CORAM :

Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

{Per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. Heard Sri D. Linga Rao, learned counsel for the applicant and Sri Sambasiva Rao representing Sri V. Vinod Kumar, learned Senior Standing Counsel on behalf of the respondents.

3. The applicant, who is working for the respondents organization, was promoted as Assistant Administrative Officer on 30.09.2016. After working for three years, he was served with a show cause notice on 05.08.2019 seeking explanation as to why he should not be demoted to the lower post. The applicant being on leave, sought time and accordingly time was granted by the respondents to furnish reply by 14.08.2019, lest they would proceed and take action deemed fit. Aggrieved over the same, the applicant approached this Tribunal stating that demoting him by issuing a show cause notice would tantamount to punishing him. As per rules, disciplinary action should be taken, which respondents have not initiated. Further, applicant has already represented to the respondents on 08.08.2019, requesting for certain documents in order to enable him to respond to the show cause notice appropriately.

4. Learned counsel representing the respondents stated that in the impugned order dated 05.08.2019, it was clearly mentioned that there were certain lacunae in considering the promotion of the applicant to the post of

Assistant Administrative Officer. This fact has come to light because of a complaint made by an unsuccessful candidate. He submitted that respondents could be asked to supply the documents sought by the applicant and thereafter applicant's representation could be considered based on the extant rules and regulations.

5. The submission of the learned counsel representing the respondents is fair and the learned counsel for the applicant has also consented for the same.

6. Based on the above, respondents are directed to supply the documents sought by the applicant vide his representation dated 8.8.2019 and applicant is directed to submit his representation within two weeks on receipt of the documents. Respondents shall dispose of such representation within three weeks thereafter. Till the representation of the applicant is disposed of, respondents shall not take any coercive steps against him pursuant to the show cause notice dated 05.08.2019 & the Note dated 06.08.2019.

7. With the above directions, the O.A. is disposed of at the admission stage with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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