

(U)
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA 2418/2003

New Delhi this the 20th day of July, 2004.

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri S.A. Singh, Member (A)

Sh. A.K. Chopra,
S/o late Sh. J.L. Chopra,
R/o K/8, Andheriwanj Extn..
New Delhi-49. Applicant

(through Sh. Yogesh Sharma, Advocate)

Versus

1. Union of India through
the Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi.
2. The Director General of
Civil Aviation,
Ministry of Civil Aviation,
Technical Centre,
Opposite Sardarjung Airport,
New Delhi.
3. The Chairman,
UPSC, Sharjahan Road,
New Delhi.
4. Sh. A.K. Ray,
Dy. Director General,
Ministry of Civil Aviation,
Technical Centre,
Opposite Safdarjung Airport,
New Delhi. Respondents
5. Sh. S.S. Nat,
Dy. Director General,
Ministry of Civil Aviation,
Technical Centre,
Opposite Sardarjung Airport,
New Delhi. Respondents

(through Sh. Ravinder Sharma, proxy for Sh. R.P.
Aggarwal, Advocate for Respondents No. 1 to 4 and
Sh. Ashish Jha, Advocate for R-5)

Order (oral)
Hon'ble Shri Shanker Raju, Member (J)

Applicant impugns his non-promotion solely on
the ground that though his ACRs were down graded and

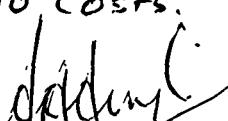
treated as adverse the same were not communicated to him. Full Bench reference of the Delhi High Court refers on the basis of decision of the Apex Court in U.P. Jal Nigam and Ors. Vs. Prabhat Chandra Jain & Ors. (1996(33)AIC 217), the following were observed:-

"If there is no downgrading of the concerned person in the Annual Confidential Report, in that event, the grading of 'Good' given to the Government employee irrespective of the benchmark for the next promotion being 'Very Good' need not be communicated or to be treated as adverse."

2. It is admitted by the respondents as reflected from the record as well that whereas the ACRs of the applicant for 5 years were under consideration, in 1997-98 he was graded as Very Good, 1998-99 also Very Good but in 1999-2000 he has been graded as Good.

3. We find down grading of the applicant in his ACR, the same has acted adversely for want of communication, the same is to be ignored. In this view of the matte, we direct respondents to convene a review DPC and consider the case of the applicant in the light of observations made as above. This shall be done within a period of three months from the date of receipt of copy of this order. Applicant in case otherwise found fit shall be entitled for promotion from the date his juniors were promoted ^h with all benefits.

NO Costs.


(S.A. Singh)
Member (A)

1/44/


(Shankar Raju)
Member (J)