

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1290 of 2008

Sri Jayaram Dalai

Petitioner

....
Mr. T.K. Mishra, Advocate

-versus-

Union of India and others

Opp. Parties

....
Mr. D.R. Bhokta, CGC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER

09.03.2022

Order No.

17.

1. The challenge in the present petition is to an order dated 22nd June, 2005 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack (CAT) dismissing the Petitioner's O.A. No.554 of 2004.

2. The case of the Petitioner was that he received one promotion to the grade of Senior Accountant in 1986 and was entitled to one financial upgradation under the Assured Career Progress (ACP) Scheme introduced with effect from 9th August, 1999.

3. In the first round, he approached the CAT in O.A. No.1207 of 2002 which was disposed of on 10th February, 2004 directing the Opposite Parties to consider the Petitioner's case by convening a review Departmental Promotion Committee (DPC).

4. The review DPC was held but he was found not fit for the ACP benefit. Aggrieved by the said order dated 3rd June, 2004, the Petitioner for second time filed O.A. No.554 of 2004 in the CAT.

5. In the impugned order, the CAT has noted that the review DPC had examined all records of the Petitioner and noted that his grading was 'average' which was below the prescribed bench mark. Admittedly, the Petitioner has not questioned the proceedings of the DPC. While the Petitioner argues that the ACR was not communicated to him, the facts remains that the grant of benefit under the ACP scheme is dependent on his having the bench mark ACR. IN the absence of having the benchmark ACR, he could not be granted the ACP benefit.

6. With the facts of the case not being disputed, the Court finds no error having been committed by the CAT. The writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge