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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3258/2002

New Delhi, this the 23rd day of July, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri S.K. Naik, Member(A)

R.S. Dagar  
B-104, Nanakpura  
New Delhi - 110 021

.. Applicant

(Shri Keshav Kaushik, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Home Affairs  
North Block, New Delhi
2. Director  
National Crime Records Bureau  
East Block 7, R.K.Puram, New Delhi
3. D.S. Sajwan  
Joint Assistant Director  
National Crime Records Bureau, New Delhi
4. T.Nageshwar Rao  
Joint Assistant Director  
National Crime Records Bureau  
New Delhi

.. Respondents

(Shri N.S.Mehta, Senior Advocate with Mrs. Avinash  
Kaur, Advocate)

ORDER(oral)

Justice V.S.Aggarwal

Applicant's only prayer is for expunction of adverse remarks recorded against the applicant from 1.4.98 to 31.3.99 and subsequent rejection of representation.

2. We are not dwelling into any other controversy taken before us. During the course of submissions, it was pointed that confidential report of the applicant was recorded by Shri Harish Kumar, the then Deputy Director, NCRB who remained for only two and half months and he has recorded the confidential report of the applicant for the whole year. In the reply filed by the respondents in this regard there is no specific denial of this fact.

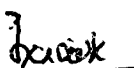
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3. Law of pleadings is well settled that a fact not denied will be deemed to have been admitted.

4. The aforesaid fact clearly indicates therefore that Shri Harish Kumar should not have recorded the confidential report in any case for the whole year.

5. Resultantly, keeping in view the above facts, we quash the confidential report recorded by Shri Harish Kumar, Deputy Director, NCRB. Needless to say the order rejecting the representation will also be quashed. Respondents may take further steps in accordance with law. Applicant may be considered for promotion in accordance with law.

  
(S.K. Naik)  
Member(A)

  
(V.S. Aggarwal)  
Chairman

/gtv/