

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00280/2016

Thursday, this the 19th day of December, 2019

CORAM:

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

Saritha Anilkumar, Staff Code No. VS27342, Senior Accounts Officer, Avionics Accounts Entity, VSSC, Thumba, Thiruvananthapuram-695 022, Residing at GRA-270, Kottara Lane, Gowreesapattom, Thiruvananthapuram – 695 004. **Applicant**

(By Advocate : Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1. The Director, Vikram Sarabhai Space Centre, Thumba, ISRO PO, Thiruvananthapuram-695 022.
2. The Chief Controller, Vikram Sarabhai Space Centre, Thumba, ISRO PO, Thiruvananthapuram-695 022.
3. The Secretary & Chairman, Department of Space & ISRO, Antariksh Bhavan, New BEL Road, Bangalore – 560 094.
4. Geethakumari G., Head Accounts & IFA Projects (Retired), VSSC, Thumba, Thiruvananthapuram-695 022. **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

This application having been heard on 17.12.2019, the Tribunal on 19.12.2019 delivered the following:

O R D E R

Per Hon'ble Mr. Ashish Kalia, Judicial Member –

The relief claimed by the applicant are as under:

“1. Call for the records leading to the issue of Annexure A7 and set aside Annexure A7.

2. Direct the respondents 1 to 3 to expunge the adverse comments in Annexure A2 APAR for the year 2014 and upgrade the gradings of the applicant;

or in the alternative;

3. Direct the respondents to reassess the applicant for the review period from 1.1.2014 to 31.12.2014.

4. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

5. Award the cost of these proceedings.”

2. The brief facts of the case are that the applicant is working as a Senior Accounts Officer in VSSC, Thumba. For the year 1.1.2014 to 31.12.2014, the APAR of the applicant was written by the reporting officer, Head, Accounts & IFA (Projects) Smt. Geethakumari G. who had supervised the applicant for a period of less than 3 months in 2014. The gradings of the applicant was reduced and adverse comments were made and overall grading was downgraded from the grading of the previous year from 'Tending to Outstanding' to 'Very Good' on the ground that the Deputy Director, Avionics, VSSC had firsthand knowledge of working with the applicant during the review period. The said gradings will have an impact on the future promotional prospects of the applicant. In such circumstances the applicant filed an appeal highlighting the lack of competence and also pointing out that the reporting officer had been biased and it was on account of some personal enmity that the assessment was downgraded, instead of highlighting the actual work done by her. However, without considering any of the issues raised by the applicant in her appeal, the appellate authority confirmed the gradings given by the reporting officer. The applicant in her appeal explained in detail the nature of work discharged by

her and the output that she managed in the project that she was working. However, there has been no consideration of the above issues raised by the applicant. Aggrieved the applicant has filed the present OA.

3. Notices were issued to the respondents. They entered appearance through Shri N. Anilkumar, SCGSC who filed a detailed reply statement contending that the primary objective of DOS/ISRO is to promote development and application of space, science and technology for all round development of the nation in a self-reliant manner. Being a scientific and technical organization, the core group of the personnel of the centre consists of mainly scientific/technical personnel to attend to the activities related to launch vehicle programmes and the related research and development activities. The respondents contended that as per the revised scheme the Chief Controller, VSSC vide Annexure A2 communication had handed over a copy of the APAR for the year 2014 to the applicant. The performance of every government servant is to be assessed annually through the Annual Performance Assessment Report that is written by his/her superior officer with the objective of improving performance of the subordinate in his/her present job, assessing his/her potential and providing him/her with appropriate feedback, guidance for correcting his/her deficiencies and improving his/her performance. The Reviewing authority has made an objective assessment and has awarded the overall grading 'A- i.e. Very Good'. Moreover, Smt. G. Geethakumari, Reporting Officer of the applicant had joined VSSC on 10.9.2014 as Head, ACC/IFA (P) consequent on her transfer from Space Applications Centre, Ahmedabad and thus she had

supervised the work of the applicant for more than 3 months during the year 2014 which was enough to write the APAR of the applicant. Therefore, there is no arbitrariness in the APAR grading awarded to the applicant. Respondents pray for dismissing the OA.

4. Heard Shri Vishnu S. Chempazhanthiyil, learned counsel for the applicant and Mr. N. Anilkumar, SCGSC, learned counsel appearing for the respondents. Perused the records.

5. The short point raised in the present OA is whether downgrading of the APAR of the applicant by an officer under whom the applicant had worked for 3 months is justified or not ?

6. The applicant's APAR were outstanding prior to 2014. There was a change in the reporting officer and Mrs. Geethakumari had made assessment of the applicant who had worked with her for 3 months only. She wrote her APAR for the entire assessment period and downgraded the APAR from outstanding to very good. The allegation of bias was leveled against her by the applicant and she submitted that just to deprive the chances of her further promotion, respondent No. 4 has deliberately done so. No other motives is attributed by the applicant except that she has worked with her on initial appointment and even at that point of time her APAR was spoiled by respondent No. 4 which was later upgraded by the reviewing authority. Though three months time is too short for adjudging the performance of any official, subsequent period of nine months is equally important. The

applicant was never issued with any warning or memo for improving her performance which is mandatory and in consonance with the rules of natural justice. The respondents in their reply statement submitted that performance of every government servant is to be assessed annually through the Annual Performance Assessment Report that is written by his/her superior officer with the objective of improving performance of the subordinate in his/her present job, assessing his/her potential and providing him/her with appropriate feedback, guidance for correcting his/her deficiencies and improving his/her performance. However, within a short span of three months the performance of the subordinate officer in her job, her potential cannot be assessed. At least one should be informed that he/she is lacking in the performance and it requires improvement. No such procedure has been adopted by the respondents in the present case. Neither any instance nor any warning/memo has been pointed out by the respondents against the applicant. All of a sudden without any proper reasons and without following the principles of natural justice her APAR rating has been downgraded which is not permissible in service jurisprudence. This fact has also gone unnoticed by the reviewing authority.

7. Therefore, we are of the view that the downgrading of the APAR of the applicant by the officer under whom the applicant has worked for three months is bad in law and hence the adverse comments in Annexure A2 APAR for the year 2014 is liable to be expunged. Ordered accordingly. We further direct the reviewing authority to take into account these facts and reassess the performance of the applicant for the period of one year from

1.1.2014 to 31.12.2014 based on the actual performance of the applicant. The respondents shall comply with the order of this Tribunal within three months from the date of receipt of a copy of this order.

8. In view of the above, the OA succeeds on merit and is allowed. Parties shall bear their own costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

“SA”

Original Application No. 180/00280/2016**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of the office order No. SHPGA/VSSC/1.3/2010 dated 22.2.2010 issued by the Head, PGA, VSSC, Thiruvananthapuram (relevant portion).

Annexure A2 – True copy of the communication No. VSSC/C.CON/A3/2015 dated 22.5.2015 issued by the Chief Controller, VSSC.

Annexure A3 – True copy of relevant portion of the instructions as appearing in Swamy's Handbook 2015.

Annexure A4 – True copy of leave details availed by the applicant for the year 2014 as updated under the Personal Information System, VSSC.

Annexure A5 – True copy of the representation dated 27.5.2015 to the Chief Controller, VSSC.

Annexure A6 – True copy of the APAR of the applicant for the period from 1.1.2013 to 15.9.2013.

Annexure A7 – True copy of the order No. VSSC/C.CON/A-4/16 dated 2.2.2016 issued by the 1st respondent.

RESPONDENTS' ANNEXURES

Annexure R1(a) – True copy of the office order No. VSSC/EST/F/4(2) dated November 22, 2013.

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