

**Central Administrative Tribunal
Principal Bench**



OA No.373/2020

New Delhi, this the 10th day of February, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

Dr. C.P. Singh (Aged 50 years),
S/o Late Sh. C. Ibotombi Singh,
Assistant Director (Physics) FSL,
R/o Quarter No.1, Type-IV,
FSL Campus, Sector-14,
Rohini, Delhi.

...Applicant

(By Advocate : Shri Deepender Hooda)

Versus

1. Govt. of NCT of Delhi,
Through Principal Secretary (Home),
Home Department,
Delhi Secretariat,
5th Level, 'C' Wing,
I.P. Estate, New Delhi.
2. Forensic Science Laboratory,
Through its Director,
Madhuban Chowk, Sector-14,
Rohini, Delhi.

...Respondents

(By Advocate : Shri Shahan Ulla for Shri Ravi Prakash)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant is working as Assistant Director (Physics) in the Forensic Science Laboratory (FSL) of Govt. of NCT of Delhi. He submitted a representation on 11.04.2019 to the competent authority with request to upgrade his Annual Performance Appraisal Report (for short, the APAR) for the period 01.04.2011 to 20.10.2011. The competent authority in turn, passed an order dated 29.08.2019, taking the view, that the APAR of the applicant for the relevant period does not warrant upgradation. The same is challenged in the OA.

2. The applicant contends that initially he was appointed as Junior Scientific Officer in CFSL Chandigarh and thereafter was appointed as Assistant Director in GNCTD in the year 2007. He has furnished various particulars of his service, and ultimately, stated that when he came to know about the adverse entry in the APAR, he made a representation to the competent authority. He states that the competent authority mechanically rejected the representation and that the remarks made by the

Reporting Officer were not only biased but also motivated. He further states that though several memos were issued to him during that period, the same were adequately replied to, and despite that adverse entry was made.



3. We heard Shri Deepender Hooda, learned counsel for applicant and Ms. Esha Mazumdar, learned counsel for respondents, at the stage of admission and perused the voluminous record filed along with the OA.

4. The applicant joined the service of the GNCTD in the year 2007. Earlier he was in the service of CFSL in Chandigarh. In the APAR in question, the Reporting Officer made remarks such as “*he can go to any extent for disaster of this laboratory*” and “*The officer is not cooperatives and not as well reliable.*” It was also mentioned that the applicant is in the habit of getting information about senior officers so as to pass to other Departments for initiation of action. The officer who made these remarks was one, Mr. V.K. Goyal, the then Director FSL. The Reviewing Officer was, the then, Principal Secretary (Home), GNCTD.



5. The circumstances, under which, the representation was made in the year 2019, in respect of the APAR of the year 2011, are not immediately before us. The competent authority also did not raise any objection as to delay.

6. The procedure prescribed in this behalf, is that whenever, the competent authority receives a representation, he has to call for the remarks of the Reporting and Reviewing Officers, who dealt with the APAR. In the instant case, such reports were called for and details were also mentioned. The order dated 29.08.2019, passed by the Competent Authority reads as under :-

“ORDER

1. Dr.C.P. Singh, Assistant Director (Physics), Forensic Science Laboratory, submitted his representation against the grading/adverse remarks in his APAR for the period 01.04.2011 to 20.10.2011.

2. The said APAR for the period 01.04.2011 to 20.10.2011 was reported by Dr. V.K. Goyal, the then Director, Forensic Science Laboratory, Delhi on 18.11.2011 who was retired from the service on 20.10.2011. Dr. V.K. Goyal, the then Director, FSL, awarded numerical grading 3.4 & mentioned adverse remarks in the column of Integrity & Pens Picture of said APAR and the same was further reviewed on 13.04.2013 by Sh. Arvind Ray, the then Principal Secretary (Home), GNCTD, who

has mentioned that “I had no occasion to assess his work”.

3. After going through the requisite information as furnished by Director, FSL, from the Personal File No. F.1(7)/FSL/Estt./07/Vol.I of the officer concerned, it has been noticed that the following Memorandums were given to Dr. C.P. Singh, Assistant Director (Physics) by Dr. V.K. Goyal, the then Director, FSL/Reporting Officer of APAR during the period under reported i.e. w.e.f. 01.04.2011 to 20.10.2011 :-

- A. Memorandum dated 09.08.2011 in respect of visit of Dr. C.P. Singh near the Delhi Secretariat on 05.08.2011 without prior intimation/permission of the competent authority.
- B. Memorandum dated 10.08.2011 in respect of misconduct of Dr. C.P. Singh and letter dated 12.08.2011 from seeking extension for proper reply.
- C. Memorandum dated 19.08.2011 regarding seeking extension by Dr. C. P. Singh for submitting his reply.
- D. Letter dated 24.08.2011 from Dr. C.P. Singh in reference of Memorandum dated 10.08.2011 and 19.08.2011 seeking some documents.
- E. Memorandum dated 07.09.2011 giving last opportunity/warning to submit reply.
- F. Reply dated 13.09.2011 from Dr. C.P. Singh in reference to Memorandum dated 10.08.2011.
- G. Memorandum dated 19.09.2011 whereby the then Director, FSL issued warning to Dr. C.P. Singh, Assistant Director (Physics) to restrict his conduct as per Govt. Rules and norms.”





4. Hence on the basis of above memorandum issued to the Officer, the adverse remarks *“He can go to any extent for disaster of this laboratory”* and *“The officer is not co-operatives and not as well reliable. He only gets information about senior officers so as to pass to other Departments for a serious action against anybody”* passed by the Reporting Officer Dr. V.K. Goyal, the then Director, FSL, Delhi, on 18.10.2011, in the APAR of Dr. C.P. Singh, Assistant Director (Physics) for the period w.e.f. 01.04.2011 to 20.10.2011, are found justified and there is no reason to interfere with the grading awarded by the reporting as well as reviewing Officer. Therefore, the representation filed by the Officer is hereby rejected.

7. It is ordered accordingly with the approval of Chief Secretary, Delhi.”

7. From this, it is evident that the remarks made by the Reporting Officer were not based upon his opinion alone. On the other hand, as many as 7 memos were issued to the applicant during that short period of six months. We are not concerned here with the subject matter of those memos and nature of replies given by the applicant. This much, however, can be said that the view expressed by the Reporting Officer, cannot be said to be either based upon personal likes or dislikes, or is bereft of any reason.



8. The applicant was issued as many as seven memos within a span of six months. The very purpose of providing the various levels in the context of maintenance of APAR is to ensure that the personal likes and dislikes are not reflected. The Director who had occasion to observe the functioning of the applicant made his remarks and Principal Secretary has simply observed that he had no occasion to assess his work. The Competent Authority examined the entire issue objectively, and did not feel the necessity of upgrading the APAR.

9. It is well settled that the scope for the Courts or the Tribunal to interfere in the matters of this nature is very limited. It is only when factors like error of jurisdiction or of personal bias, are established, that the scope may exist to interfere. Such factors are not even pleaded.

10. We do not find any merit in the OA and the same is, accordingly, dismissed.

There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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