



## Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2706/2014

Tuesday, this the 18<sup>th</sup> day of February 2020

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

Udaibir Singh s/o late Shri Chandan Singh  
r/o H.No.341,  
Village & Post Office Tughlakabad  
New Delhi – 110 044  
Aged about 50 years  
(Inspector in Delhi Police)

..Applicant

(Sri Ajesh Luthra, Advocate)

Versus

1. Commissioner of Police  
PHQ, MSO Building, IP Estate, New Delhi
2. Joint Commissioner of Police  
(New Delhi Range)  
PHQ, MSO Building, IP Estate, New Delhi
3. Deputy Commissioner of Police  
North East Distt. Seelam Pur, Delhi

...Respondents

(Sri Amit Anand, Advocate)

### O R D E R (ORAL)

#### **Justice L. Narasimha Reddy:**

The applicant was working as Inspector in Delhi Police in the year 2010. For the period between 21.10.2010 and 31.03.2011, His Annual Confidential Report (ACR) was graded as 'below average'. Aggrieved by that, the applicant made a



representation to the competent authority, i.e., the Commissioner of Police. Through an order dated 24.07.2013, the Commissioner of Police refused to upgrade the ACR of the applicant for the period referred to above. This O.A. is filed challenging the order dated 24.07.2013.

2. The applicant contends that the recording officer for the relevant period was inimical towards him and made certain remarks, which are totally bereft of any material and evidence. He contends that the Commissioner ought to have upgraded the ACR.

3. The respondents filed counter affidavit stating the circumstances that led to the impugned order. It is stated that the competent authority has called for the comments of the reporting as well as reviewing officers, perused the record; and felt that the ACR does not warrant any upgradation.

4. We heard Sri Ajesh Luthra, learned counsel for applicant and Sri Amit Anand, learned counsel for respondents.

5. It is not uncommon that whenever ACRs are recorded as below benchmark, the competent authority, when approached by the concerned official, calls for the comments of the reporting and reviewing officers and many a time, upgrade



them. Much, however, would depend upon the facts and circumstances of the case.

6. In the instant case, the Commissioner has called for the comments of the reporting and reviewing officers, for the relevant period. Apart from that, he has also perused the record. He took note of the fact that for the period in question, i.e., about five months, there were several adverse circumstances against the applicant. They include, the 5 censures, 3 written warnings, 9 displeasures and 9 advisories. It was also mentioned that there was a phenomenal increase in the theft cases for motor vehicle in the jurisdiction of the applicant, during that period. When such is the record, the competent authority cannot be expected to upgrade the ACR.

7. We do not find any merit in the O.A. It is accordingly dismissed. There shall be no order as to costs.

**( A.K. Bishnoi )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**February 18, 2020**

/sunil/