

Central Administrative Tribunal, Principal Bench

Original Application No.31 of 1999

New Delhi, this the 21st day of March, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

K.C.Srivastava,
S/o Late Shri R.S.Srivastava
Deputy Secretary
Department of Official Language
Ministry of Home Affairs,
Lok Nayak Bhawan,
New Delhi

- Applicant

(Appeared in person)

Versus

Union of India through

The Secretary
Dept. of Personnel and Training
(Office of the Establishment Officer)
North Block,
New Delhi

- Respondent

(Represented By : Shri Dipak Kumar Sarkar, LDC)

O.R.D.E.R.(ORAL)

By Hon'ble Mr. S. R. Adige, Vice Chairman(A)

1. Heard Shri K.C.Srivastava, applicant in person. Shri Dipak Kumar Sarkar, LDC appeared on behalf of respondents.
2. Applicant seeks inclusion of his name in the suitability list for the post of Director.
3. Respondents in their reply do not deny that applicant became eligible to be considered for inclusion in the CSS Directors' suitability list for the year 1996 and his case alongwith other eligible officers was considered by the Central Establishment Board in its meeting held on 26.3.98. Respondents

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state that under the relevant guidelines, the benchmark for inclusion of an officer's name in the Directors' suitability list is three "Very Good" and two "Good" gradings, but applicant was not found suitable for inclusion in the aforesaid suitability list as he did not make the prescribed benchmark of grading.

4. We have heard applicant, who argued his case in person. Shri D. K. Sarkar, departmental representative was present on behalf of the respondents.

5. We have perused applicant's A.C.R. for the relevant period.

6. For the year 1991-92, the A.C.R. is in two parts, one for the period 1.4.1991 to 30.6.1991 for which he was graded overall as Outstanding and the other for the period 1.7.91 to 31.3.92 wherein he has been graded overall as Very Good. For the year 1992-93, applicant has been graded overall as Very Good.

7. For the year 1993-94, no remarks were recorded for the period 1.4.93 to 22.8.93 since the reporting officer had retired on superannuation, and similarly no remarks were recorded for the period 1.1.1994 to 31.3.1994 as applicant did not work under any one officer for 3 months or more, but remarks for the period 23.8.93 to 31.12.93 grade him overall as Very Good.

8. For the year 1994-95, the ACRs are in two parts, one for the period 1.4.94 to 7.8.94 and the other for the period 8.8.94 to 31.3.95. For the period 1.4.94 to 7.8.94, the reporting officer had graded him overall as Good, but the reviewing officer specifically noted that applicant had been under-assessed and deemed to be graded as Very Good in view of the reporting officer's own remarks given in various items of the ACR.

9. For the period 8.8.94 to 31.3.95, applicant worked under three different sets of reporting and reviewing officers. The first set of reporting and reviewing officer graded him overall as Very Good. As regards the second set, the reporting officer had graded applicant as Average. Meanwhile as those remarks were recorded by the reporting officer after the reviewing officer had himself retired on superannuation, the ACR did not contain the remarks of the reviewing authority. As regards the third set, applicant was graded as Very Good by the reporting officer, but the Minister of State concerned who was the reviewing authority had demitted office by the time the remarks came to be recorded and hence he did not record any remark, and the remarks of the reporting officer were alone to be read.

10. For the year 1995-96 also, the ACRs are in two parts, one for the period 1.4.95 to November-December '95 and the other for the period 1.1.96 to 31.3.96. During the period 1.4.95 to

November-December'95 also, applicant worked under three different sets of reporting and reviewing officers. In the first set, the reporting officer had graded him overall as Average, but as the reviewing officer had meanwhile retired on superannuation, his remarks could not be recorded. In the second set, the reporting officer had graded him as Very Good, but as the reviewing officer (Minister of State) had demitted office by then, no remarks could be recorded by him. The third set graded him as Very Good, both at the level of reporting officer as well as at the level of the reviewing officer.

11. For the period 1.1.96 to 31.3.96, there are two sets of ACRs both written by the same reporting/reviewing officer, in both of which the reporting officer has graded applicant overall as Average, while the reviewing officer has graded applicant as Good.

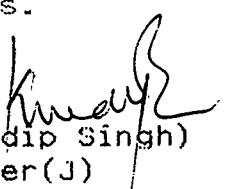
12. We are aware that the Central Establishment Board is not bound by the grading contained in the A.C.R. and is required to make its own grading on the basis of the materials before it. We are also aware that Courts/Tribunals cannot sit in appeal over the decision taken by the duly constituted Central Establishment Board and substitute its own assessment for that of the Board. However, as per respondents own averments, the benchmark for inclusion in the suitability list is three Very Goods and two Goods for the relevant period, and measured against the

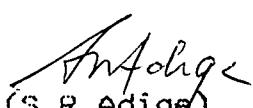
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applicant's ACRs as discussed above, lead us to take the view that his case for inclusion in the 1996 suitability list deserves reconsideration.

13. Accordingly, in the background of what has been stated above, we dispose of this OA with a direction to the respondents to reconsider applicant's case for inclusion in the 1996 Directors' suitability list of CSS, in accordance with rules and instructions. These directions should be implemented as expeditiously as possible and preferably within four months from the date of receipt of a copy of this order.

14. O.A. stands disposed of accordingly. No costs.


(Kuldip Singh)
Member(J)


(S.R. Adige)
Vice Chairman(A)

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