

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2073/1998

New Delhi, this 19th day of October, 2000

Hon'ble Shri M.P. Singh, Member(A)

Smt. Champa Chandnani
AM-184, Shalimar Bagh
Delhi-110052

.. Applicant

(By Shri Amit Bhalla, Advocate)

versus

Union of India, through

1. Controller of Accountys
Dept. of Expenditure/Ministry of Finance
Lok Nayak Bhavan, New Delhi2. Chief Controller of Accounts
Ministry of Agriculture RA & E
Krishi Bhavan, New Delhi3. Shri A.K. Srivastava, Dy. CGA
Lok Nayak Bhavan
New Delhi .. Respondents

(By Shri Madhav Panicker, Advocate)

ORDER

The applicant is aggrieved by the adverse entries communicated from her CRs for the period 1994-95 and 1995-96 and is seeking directions to the respondents to conduct review DPC and grant promotion to her from the date her juniors were so promoted ignoring the adverse remarks.

2. Briefly stated, it is the case of the applicant that she was due for promotion as Sr. Accounts Officer w.e.f. 1.1.97 but because of the adverse remarks her juniors have stolen march over her, while she has been ignored, due to malafide on the part of respondent No.3. She has contended that a comparative study of her earlier ACRs would establish beyond any doubt as to her efficiency and performance as she was

never superseded and not a single memo, caution, reprimand or displeasure was ever communicated to her. She is before this Tribunal for expunction of the adverse entries for the aforesaid period and consider her promotion through a review DPC and give promotion from the date her juniors were so promoted.

3. It is the case of the respondents in their counter that several adverse remarks in the applicant's ACR for the aforesaid periods were noticed and they were duly communicated to her by letter dated 6.10.97. Her representation against the same was referred to the Reporting Officer (R-3) and his comments were endorsed by the Reviewing Officer. Applicant's representation alongwith comments of the Reporting/Reviewing Officers were placed before R-1 for consideration, who in turn referred the matter to DoP&T for clarification. DoP&T on their part clarified that it was desirable to communicate adverse remarks within the prescribed time, yet the delay did not invalidate the remarks. Therefore, applicant's representations were rejected by the competent authority. Due to pendency of applicant's representation against the adverse remarks, the two DPCs held on 28.11.97 and 23.3.98 for promotion to the post of Sr. Accounts Officer deferred the case of the applicant. Yet one more DPC held on 9.9.98, the applicant was declared unfit for promotion as Sr. Accounts Officer.

4. I have heard the learned counsel for the parties and perused the records. I have also gone through the ACR



dossier of the applicant furnished by the respondents. As rightly contended by the respondents, there were several adverse remarks in the ACRs of the applicant for the aforesaid period which were duly communicated to her. Apart from it, there were certain adverse remarks in the CR for the year 1984 which were also communicated to the applicant. Therefore, the contention of the applicant not a single memo or caution was ever communicated to her is not correct. Her representations were duly considered by the competent authorities in consultation with the DoP&T and were rightly rejected. The DPC also found her unfit for promotion recording reasons thereof.

5. I also find that the applicant has not been able to establish any malafide on the part of R-3 who is stated to be the reporting officer. Learned counsel for the respondents has drawn my attention to the judgement of this Tribunal in the case of B.M. Khanna Vs. UOI (1992) 20 ATC 130 wherein it has been held that late communication of adverse remarks does not itself entitle expunction of adverse remarks.

6. I have also gone through the judgements cited by the learned counsel for the applicant in support of her contentions but I find they are not applicable to her case.

7. In the result, I find the OA devoid of merits and is liable to be dismissed. I do so accordingly. No costs.


(M.P. Singh)
Member(A)

/gtv/