

CENTRAL ADMINISTRATIVE TRIBUNAL
 PRINCIPAL BENCH
 NEW DELHI
 OA 2236/98

New Delhi this the 6th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

SI (Ex.) Sanwal Ram Meena
 No. 3232,
 through S.H.O.
 Police Station, Lodhi Colony,
 New Delhi-3

.. Applicant

(None for the applicant)

Versus

1. Commissioner of Police,
 Police Headquarters, MSO Bldg.,
 I.P.Estate, New Delhi-2
2. Addl. Commissioner of Police
 Police Headquarters, MSO Bldg.,
 I.P.Estate, New Delhi-2

.. Respondents

(By Advocate Sh.Vijay Pandita)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminthan, Member (J)

The applicant has impugned the order passed by the respondents dated 24.6.1998 (Annexure A) rejecting his representation for expunction of the adverse remarks recorded in his Annual Confidential Report(ACR) for the period from 1.4.1996 to 31.3.1997.

2. None has appeared for the applicant even on the second call and the case was listed under regular matters at Serial No.7. I have carefully perused the pleadings and heard Shri Vijay Pandita, learned counsel.

3. The respondents have issued the impugned order dated 31.10.1997 ^{to 13/} conveying the applicant that in the ACR for the aforesaid period, certain adverse remarks have been given by the Reporting Officer which have also been agreed to by the Reviewing Officer. Against the adverse remarks, it is

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noticed from the documents on record that the applicant had made a representation on 12.3.1998. The respondents have stated in the impugned order dated 24.6.1998 that this has been considered by the competent authority and the applicant was also heard in ^{the} ~~orderly~~ room before the same was rejected regarding the observations of the Reporting Officer. In this order, it has also been stated that the competent authority had gone through the submissions made by the applicant, comments of the reporting officer and the other relevant records, including Addl. SHO's observations about the absence in the patrolling. The remarks regarding his involvement in a criminal case were factual and, therefore, a decision had been taken to reject the representation.

4. The applicant has assailed the order dated 24.6.98 on several grounds. He has submitted that the same has been done without application of mind, without objectivity and had never been given any advice or guidance before passing the adverse remarks. His contention is that in the circumstances, the respondents have not followed the relevant OMS to make objective assessment of the work. These contentions have been controverted by the respondents. Learned counsel for the respondents has submitted that the Reporting Officer, who is ^{the} DCP in this case, was fully conversant with the work of the applicant and there is no illegality in the action taken by the respondents. He has also submitted that the

applicant had been given ample opportunity to work properly and the comments given in the adverse remarks conveyed to him on 31.10.97 were also self explanatory. The respondents have also stated that they have also refuted the contentions of the applicant that there has not been any objectivity in recording of the ACRs. They have also submitted that the ACRs have been recorded by the Reporting Officer after application of mind, who was dis-satisfied with overall performance of the applicant during the period under report. Learned counsel relies on the judgement of the Hon'ble Supreme Court in Swantantr Singh Vs. State of Haryana and Ors (JT 1997(4)SC 156) and UOI Vs. E.G. Nambudiri (AIR 1991 SC 1216).

5. After careful perusal of the pleadings and the submissions made by the learned counsel for the respondents, I find force in the contentions of the learned counsel for the respondents that the adverse remarks in the ACR of the applicant for the relevant period have been conveyed to him on justifiable grounds. The impugned order also gives sufficient details about the work and conduct of the applicant justifying the remarks made by the Reporting Officer with which comments the Reviewing Officer has also agreed. In the facts and circumstances of the case and after following the observations of the Hon'ble Supreme Court in the aforesaid judgements relied upon by the learned counsel, I find no good grounds to set aside the impugned orders which have been issued by the respondents in accordance with the

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relevant rules and in compliance with the principles of natural justice. It has also been stated in the impugned order dated 24.6.98 that the applicant had been heard in the orderly room and the relevant documents have been produced before issuing the order. It is also noticed that repeated ^{have been given} ~~which~~ warnings and advice ^{which} to the applicant ~~have not been denied~~ by the applicant.

6. In the result for the reasons given above, there is no merit in the OA which is accordingly dismissed. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

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