

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.23/96 in OA No.2478/1994

New Delhi, this 2nd day of February, 1996

Hon'ble Shri B.K. Singh, Member(A)

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Shri Sita Ram Meena
s/o Shri Gopi Ram
Village & PO Niwana, PS Gobind Garh
Dt. Jaipur and presently working as
Sub-Inspector in Bomb Disposal
squad of Delhi Police
New Delhi .. Applicant

By Shri Shyam Babu, Advocate

versus

Union of India, through

1. The Addl. Commissioner of Police
South Dt., Police Station, Hauz Khas, N.Delhi
2. Addl. Commissioner of Police(SouthernRange)
Police Hqars., IP Estate, New Delhi .. Respondents

ORDER(in circulation)


The prayer is for recategorisation of the review applicant on the basis of the remarks expunged from the ACR. It may be stated that the remarks which were expunged are 'Not very devoted to duty' and 'Not very reliable'. This does not change the other portion of the remarks which take into consideration the performance of the review applicant. The grading is always given on the basis of the total performance. The portion which were expunged were touching the integrity and were found inconsistent with the remarks that there was "no complaint against his honesty and moral character.

2. The words honesty and moral character have such connotation that the two adverse remarks 'not very devoted to duty' and 'not very reliable' could not be sustained and were directed to be expunged.

This review application for

recategorising of the grade is misconceived. Even if the two were expunged the grading will stand in the ACR because it takes into account the performance of the person and the work done by him. The work done by a particular person and his overall performance are indicated by the grading given to him. This has nothing to do with the integrity. A person's integrity may be very sound and yet his performance may be below average. There is no inconsistency in this proposition.

3. This Tribunal is not vested with any inherent power of review. It exercises that power under Order 47, Rule 1 of CPC when there is a discovery of a new and important matter of evidence, which after exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the decree was passed or order was made, or some mistake or error apparent on the face of the record or for any analogous reason. This application does not fall within the four corners of order 47, rule 1 of CPC and accordingly the same is summarily rejected under order 47, Rule 4(1) of CPC.


(B.K. Singh)
Member(A)

/gtv/