

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 403/94.
MA 1448/94, MA 740/94.

(7)

New Delhi, this the 10th day of June, 1994.

SHRI J.P. SHARMA, MEMBER(J).

SHRI B.K. SINGH, MEMBER(A).

Shri Brij Raj Singh,
S/o: Shri Mathan Singh,
Aged about 56 years,
R/o: DG-847, Sarojini Nagar,
New Delhi-110023,

and employed as :

Deputy Director of Horticulture,
Landscape Division,
Central Public Works Department,
I.P. Bhawan,
NEW DELHI-110002.

...Applicant

By advocate : Shri B.B. Raval. Versus

VERSUS

1. Union of India, through the Secretary,
Ministry of Urban Development, Govt. of India,
Nirman Bhavan, New Delhi.
2. Director-General of Works,
Central Public Works Department,
Government of India, Nirman Bhavan, New Delhi.
3. The Delhi Administration,
Through The Chief Secretary, Old Secretariat,
Delhi. ...Respondents

By advocate : Shri M.K. Gupta.

ORDER (ORAL)

SHRI J.P. SHARMA:

The applicant is working as Deputy Director (Horticulture) in C.P.W.D. under the Ministry of Urban Development. He has been aggrieved by the communication of adverse remarks for the year 1988-89 conveyed to him in October, 1991 in the application he has prayed that the same be quashed. Representation was made against the aforesaid remarks and that was disposed of on 5.4.94. The applicant, therefore, has got the original application amended and also assails that order of rejecting his representation. The applicant has also prayed for the

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grant of the interim relief that the DPC is likely to be convened for the promotion to the post of Addl. Director (Horticulture) and that if the decision in this case is delayed, he will suffer irreparable loss, which could not be compensated and juniors to him will be considered and promoted, so the respondents be directed that the case of the applicant be considered by the DPC without taking into account the adverse remarks of ACR for the year 1988-89. The learned counsel for the applicant has also filed MA-1448/94 as well as MA-740/94 for amendment of the OA as well as for condoning the delay in filing the present application within time, respectively. We have considered the case yesterday on the interim prayer but since certain issues had to be considered on merit, we directed that whole matter be disposed of being short matter and the respondents were directed to place before us the record and the personal file of the applicant pertaining to the relevant orders.

2. The respondents in their reply have opposed the grant of the relief on a number of grounds and stated that the applicant himself was delaying the submission of self-assessment which is mandatory and appraisal requires before any remark for the relevant year is given by the reporting officer in the annual confidential roll. It is said that the applicant did not submit the self-assessment/appraisal for the year 1988-89 and only that was conveyed to the applicant by the memo of October, 1991. It is further stated that the applicant for the year 1990 has also not submitted the self-assessment/appraisal form and that was submitted sometime on 31.3.94. In view of this, it is said that the present application is totally devoid of merit and liable to be dismissed.

3. In fact, the factual position is not disputed by the applicant. However, it is argued by the learned counsel

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that the applicant has often been busy in V.I.P. duties and could not spare reasonable time to submit the relevant information in self-assessment/appraisal form in time. He has also referred to the commendation issued by the Chief Engineer on 29.4.88 and copy of the same has been filed as Annexure A-II. Another commendation issued in May, 88 has also been annexed as Annexure A-3 and it is by Superintending Engineer. The Superintending Engineer, PWD circle has also intimated the Superintending Engineer Circle III informing by designation that Dy. Director of Horticulture has been busy in convening the work before inauguration of the hospital building. He has also pointed out to certain arrangements for the visit of the Chairman of the Supreme Soviet and these also speak in a commendatory manner by the then Additional Director of Horticulture. There are other number of such letters on record. It goes to show that the performance of the applicant cannot be said to be not with the liking of the immediate superiors. However, the actual assessment of the work is to be done by immediate superior officer under whom the said employee is posted and that can only be when the self-assessment form is submitted giving the details of the performance for the particular period of the assessee.

4. In view of the above circumstances, the learned counsel for the applicant did not press the main relief prayed for in the O.A. and made a request that the respondents be directed to complete the A.C.R. of the applicant of the years the applicant has already submitted the self-assessment and that the reporting officer, reviewing and accepting authority may also complete the same and the whole record of the applicant may be placed before the DPC along with the commendation certificate issued from time to time so that the DPC may give fair appraisal of the work of the applicant and consider him for promotion to the post of Addl. Director of Horticulture.

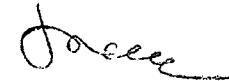
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5. Shri M.K. Gupta appeared for the respondents and has also been heard at length. He assures that the respondents shall get the ACR of the applicant completed of the years of which his self-assessment/appraisal is available and all these records shall be placed before the DPC. It is expected that the respondents will comply with the assurance given by the learned counsel for the respondents during the course of the arguments.

6. In view of the above facts and circumstances, the application is disposed of ^{as alone} with no order as to costs.

Copy of the Order be given to the parties.


(B.K.SINGH)
MEMBER(A)


(J.P.SHARMA)
MEMBER(J)

'KALRA'