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Central Administrative Tribunal, Principal Bench

Original Application No. 1372 of 2000

New Delhi, this the 25th day of July, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman

Hon'ble Mr. V.K. Majotra, Member (Admnv)

L.S. Sandhu, IPS Commandant Home Guards,
Directorate of Home Guards and Civil
Defence, Raja Garden, New Delhi. - Applicant

(By Advocate Shri M.C. Dhingra)

Versus

1. Union of India through Secretary,
Ministry of Home Affairs, North Block,
New Delhi.
2. Govt. of N.C.T. of Delhi Through Chief
Secretary, 5, Sham Nath Marg, Delhi.
3. Govt. of N.C.T. of Delhi, Through
Principal Secretary (Home), 5, Sham Nath
Marg, Delhi.
4. Commissioner of Police, Police
Headquarters, I.P. Estate, New Delhi. - Respondents

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

By the present O.A. the applicant impugns his ACRs for the years 1988-89 and 1989-90. According to him whereas the Reporting Officer had graded him as 'outstanding', the Reviewing Officer has graded him as 'Good'. Placing reliance on a decision of the Supreme Court in the case of U.P. Jal Nigam and others Vs. Prabhan Chandra Jain and others, (1996) 2 SCC 363 it is contended that as the applicant in aforesaid ACRs has been down graded he was entitled to be communicated in respect of aforesaid ACRs.

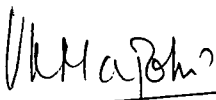
2. Aforesaid decision of the Supreme Court deals with an officer being down graded in the ACRs. As far as the present case is concerned, according to the applicant he has been graded as 'outstanding' by the Reporting Officer and 'Good' by the Reviewing Officer. Aforesaid decision of the Supreme Court in our view

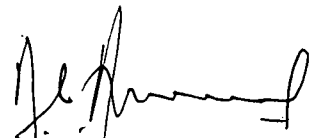
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would not strictly be applicable to the case of the applicant. Rules in this behalf certainly do not provide for communication of such ACRs. where Reviewing Officer gives a lower grading than the one given by Reporting Officer. 3. Moreover, we find that present O.A. which has been filed on 19th July, 2000 seeking to impugn the ACRs of 1988-89 and 1989-90 is hopelessly barred by limitation. Merely because the applicant has chosen to make delayed representation on 22nd July, 1998 which representation has not received positive response by the impugned order of 9th June, 2000 will not bring the present OA within ^{the} period of limitation. Delayed representation will certainly not save the present OA from the bar by limitation. In the case of Ex. Capt. Harish Uppal Vs. Union of India & others, JT 1994 (3) SC 126 the Supreme Court has observed that parties should pursue their rights and remedies promptly and not sleep over their rights. If they choose to sleep over their rights and remedies for an inordinate long time, the court may well choose to decline to interfere in its discretionary jurisdiction under Article 226 of the Constitution of India.

4. Similarly, present OA cannot be held to be within limitation merely because of ^{the} communication dated 9th June, 2000 at Annexure-A-2, as the same in turn purtains to ACRs of 1988-89 and 1989-2000.

5. For afore-stated reasons, present O.A. is dismissed summarily.


(V.K. Majotra)
Member (Admnv)


(Ashok Agarwal)
Chairman