

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 1555/89

DATE OF DECISION: 21/2/92

S.K. BISWAS

...APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

Shri Bhagwan Das ...counsel for applicant.

Shri N.S. Mehta ...counsel for respondents.

CORAM:

HON'BLE MR. JUSTICE RAM PAL SINGH, VICE-CHAIRMAN(J)

HON'BLE MR. I.P. GUPTA, ADMINISTRATIVE MEMBER.

JUDGEMENT

(DELIVERED BY HON'BLE MR. I.P. GUPTA)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has requested for the relief for issue of directions to the respondents to expunge the adverse remarks in his Annual Confidential Report for the year 1987 as also direction to the ^{Reviewing} Viewing Officer to reassess his performance. The other reliefs requested for were not pressed by the applicant.

The adverse remarks for the year 1987 was recorded in 2 parts by two different Reporting officers. For the earlier part, the Reporting Officer recorded as under in the ACR:-

'During the period, the officer worked under me, he was doing alright. I consider him a good officer..... For the period he worked under me, I grade him as a good officer.'

contd...

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For the latter part, the following adverse remarks were recorded:-

"A.(3) Knowledge of sphere of works : Limited

B.(4) Attitude of work : Should be more committed.

(6)(i) Guidance in the performance of tasks : Limited

(iv) Maintaining discipline : Limited

(10) Attitude and potential : Should imbibe a spirit of commitment to the job. Has potential to do the job."

The remarks of the Reviewing Officer were:

'The grading of Shri Biswas should be 'good'.

Accordingly, the assessment of "fair" given against individual column may be revised as "good". The assessment may be corrected to that extent.'

On representation by the applicant, the adverse remarks in column 6(i) under (B), part ~~III~~ ^{III and} ~~of~~ ^{of} 6(iv) under (B) in the same part were revised from 'limited' to 'good'. The representation in respect of other parts was rejected. In effect, therefore, the following adverse remarks remained in the Report for the latter half of 1987:-

'A.(3) Knowledge of sphere of works : Limited

B.(4) Attitude of work : Should be more committed.

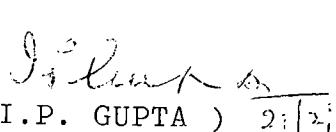
(10) Attitude and potential: Should imbibe a spirit of commitment to the job. Has potential to do the job.

The learned counsel for the applicant contended that the report of the first part was communicated to the Reporting Officer for the second part of the year and the Reporting Officer for the second part recorded his remarks under those given by the Reporting Officer for the first part. This was not correct procedure and was prejudicial. He further argued that the Reporting was malacious and on 30th March, 1988 even before the adverse remarks were communicated to him, he had represented to the Minister that the Director (CDN) had abused him.

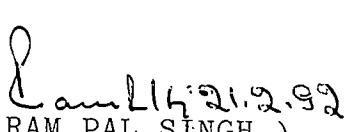
and told him, inter alia that he would spoil the ACRs.

We heard the counsels for the applicant and the respondents in detail. We find that though procedurally the report of the first Reporting Officer should not have been sent to the second Reporting Officer yet we are convinced that this procedure was not prejudicial to the interests of the applicant, since the report of the first Part was 'good' and the adverse remarks were communicated only in the latter part. Any prejudice therefore would have been in favour of the applicant and not against him. Further any malice or mala-fide on the part of the Reporting Officer has not been proved. Even if we take the representation dated 30.3.1988 into consideration, this should have affected the ACRs for the year 1988 and not 1987 and it was now understood that in 1988, his remarks were not adverse. Any malice on the part of the Director against scheduled castes officers has alleged in the representation of the applicant dated 30.3.1988 is also not borne out by the statement of respondent No.4 who has said that other scheduled caste officers in the Coordination Directorate earned very favourable reports from him. We further find that his representation was duly considered by application of mind and some remarks were revised where ^{as} others remained unaltered.

In the conspectus of the facts of the case, we find that there is no merit in the application. It is therefore dismissed with no orders as to costs.


(I.P. GUPTA) 21/2/92

ADMINISTRATIVE MEMBER


(RAM PAL SINGH)

VICE CHAIRMAN(J)