

(14)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2303/89

Date: 16th May, 1994.

Mr. N.V. Krishnan, Vice-Chairman (A)
Mrs. Lakshmi Swaminathan, Member (J)

Dr. R.V.P. Bhatia
S/o Sh. D.C. Bhatia,
working as Director in Central
Forensic Science Lab,
Bureau of Police Research
and Development,
Ministry of Home Affairs,
Govt. of India,
Chandigarh.

...Applicant

(By Advocate Sh. R.R. Rai, though none appeared)

Versus

Union of India through:-

1. The Secretary,
Ministry of Home Affairs,
Govt. of India,
New Delhi.
2. The Director General,
Bureau of Police,
Research and Development,
Ministry of Home Affairs,
Block No.11, 4th Floor,
C.G.O. Complex,
New Delhi.

...Respondents

(By Sh. M.K. Gupta, Additional Central Govt. Standing
Counsel.)

ORDER(ORAL)

Mr. N.V. Krishnan:-

This case is listed at serial No.3 in today's cause list under regular matters with a note to the counsel that the first 10 cases are posted peremptorily for final hearing. Neither the applicant nor his counsel appeared, though the case was called twice. Sh. M.K. Gupta, the learned Additional Central Govt. Standing Counsel appeared for the respondents. In the circumstances, we have heard him and after perusal of the record this final order is being passed.

2. The grievance of the applicant, a Director in the Central Forensic Science Laboratory in the Bureau of Police, Research and Development under the second respondent, relates to the adverse remarks communicated

to him by the letter dated 9.9.87 of the second respondent which reads as follows:-

"In your Annual Confidential Report for the year 1986-87 it has been mentioned that your overall performance is good and you have produced some useful research papers and your integrity is above board. However, there are certain adverse remarks to the effect that you should maintain better and more cordial liaison and relationship with the other units at Hyderabad; your man management is not upto the mark; and you are inclined to be harsh and hasty in your dealings."

3. The applicant sent a representation on 17.10.87 (Annexure 'C'). He was informed as follows in a D.O. letter of the second respondent dated 25.5.88 (Annexure 'D'):-

"Reference your representation sent to this office vide your Confidential letter No.1(4)/CFSL(H)/86/2995 dated 21.9.87 regarding adverse remarks in your ACR for the year 1986-87.

2. Your representation has been considered by the Director General, BPR&D. It has been found that the remarks contained in your ACR for the year 1986-87 and conveyed to you vide this office No.36/69/73-Adem.I/Confd. dated 9th September, 1987 are well-founded.

3. These remarks are advisory in nature and you should benefit by the advice given to you. You are advised to take these remarks in the spirit in which they have been recorded."

4. In these circumstances, the applicant has filed this O.A. stating that in regard to the representation dated 02.05.88 neither any action was taken nor any reply was given to him. He has, therefore, prayed that the Annexure 'B' letter dated 9.9.87, communicating the adverse remarks be quashed.

5. The respondents have filed a reply, denying the allegations. It is contended that the O.A. is time barred, as is already admitted by the applicant himself in his O.A. In regard to merits it is stated that his representation has been disposed of by the Annexure 'D' letter. They have enclosed the correspondence between

the second respondent and the applicant which indicate that the second respondent felt that the man management of the applicant was not upto the mark.

6. The applicant has filed a rejoinder mainly re-iterating the contents of his O.A. Though the delay in filing the application has been pointed out, no action has been taken by the him to seek condonation of delay.

7. We have heard the learned counsel for the respondents. He pointed out that on merits the stand of the respondents is that the adverse remarks communicated by the Annexure 'D' letter dated are well-founded but the applicant has also been informed that these remarks are advisory in nature and he should get benefit by the advice given to him. It is also pointed out that the applicant has already been promoted some time in May, 1994.

8. The application was admitted on 11.12.89 after hearing the applicant's counsel. There is a slight delay in filing of this O.A. which has been pointed out in the reply. Nevertheless, we do not wish to hold this ground against the applicant.

9. Having perused the record, we are satisfied that the adverse remarks communicated to the applicant are founded on the basis of the observations made earlier by the second respondent and, therefore, the remarks communicated to him cannot be said to be unjustified. We are also of the view that the Annexure 'D' letter dated 25.5.88 is a proper disposal of his representation,

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it is stated that the remarks communicated to him are well founded, which, by implication means that the representation has been rejected. In this view of the matter, we find no merit in this O.A. and, accordingly, it is dismissed. No costs.

Lakshmi Swaminathan

(LAKSHMI SWAMINATHAN)
MEMBER (J)

N.V. Krishnan
16.5.94

(N.V. KRISHNAN).
VICE-CHAIRMAN

Sanju.