

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2437/89
T.A. No.

199

DATE OF DECISION 19.2.1992.

<u>Shri B.S. Vaid</u>	Petitioner Applicant
<u>Shri Bhagwan Dass</u>	Advocate for the Petitioner(s) Applicant
Versus	
<u>Union of India through Secy., Miny. of Finance & Org.</u>	Respondent
<u>Shri P.H. Ramchandani</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicant, who is presently working as Deputy Office Superintendent in the office of the respondents, is aggrieved by the adverse remarks recorded in his ACRs for the years 1981 and 1982. He has sought for expunging them and for restoring his position in the matter of promotion as if the adverse remarks had not been so recorded.

2. We have gone through the records of the case carefully and have heard the learned counsel for both the parties. The adverse remarks for the year 1981 were

the following:-

"He was not systematic in his work. With little of planned effort he could have easily completed the work allotted to him, but he never completed the work. (POOR)

He has not evinced interest and applied himself to complete even the easy task assigned to him. (POOR)

His sense of discipline stopped with attending office in time and was not extended to discharging the duties allotted to him. (POOR)

He has no special aptitude or initiative. He cannot be entrusted with any responsible work. (POOR)."

3. The adverse remarks for the year 1982 was the following:-

"He has addressed complaints against the administration to the Prime Minister direct and had also threatened to go on indefinite fast in the office. These acts display indiscipline and are against office decorum."

4. The applicant submitted representations upto the President but they were rejected. The applicant feels that these adverse remarks came to be recorded as he is an office bearer of the Association of the employees and was espousing their cause. This has been denied by the respondents.

5. The applicant himself has admitted that he was given special pay of Rs. 35/- per month for completing certain items of work during 1980-81. This disproves any mala fide intentions on the part of the respondents. The respondents have stated in their counter-affidavit

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that he had been orally warned about his deficiencies.

6. The Supreme Court has held that Courts can give very little relief in such cases. The remarks about the applicant deal with general assessment of his work. Normally, a Court or Tribunal would not sit in judgement over the assessment of performance of officers made by the Reporting and Reviewing Officers who are in the best position to know about the worth of the officer reported upon. Judicial review would come into play only in the event of arbitrariness or mala fides on the part of the authorities concerned. There is no evidence of this in the instant case.

7. In view of the above, we see no merit in the application and the same is dismissed. There will be no order as to costs.

B. N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P. K. Kartha
7/12/82
(P.K. Kartha)
Vice-Chairman (Judl.)

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