



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1743/2020

Today, this the 9th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Prabal Pal
S/o Late Nrisingha Charan Pal
Professor
Presently working at
ESIC Hospital & Medical College
Faridabad.

.. Applicant

(Through Mr. Abdhesh Chaudhary, Advocate)

Versus

1. Union of India
Through its Secretary
Ministry of Labour & Public Employment
New Delhi.
2. Employees' State Insurance Corporation
(ESIC) Through its D.G.
Panchdeep Bhawan
CIG Marg, New Delhi-110002.
3. Dy. Jayasri Mitra
Dean & Reporting Officer
ESI-PGIMSR & ESIC Medical College
ESIC Hospital & ODC (EZ)
Diamond Harbour Road
P.O. Joka, Kolkata-700104.
4. Dr. A.K. Das
Dean & Reporting Officer
ESIC Medical College & Hospital
NIT, Faridabad, Haryana.
5. Mr. Amit Kumar
Dy. Director (Admin.)



Employees' State Insurance Corporation
Panchdeep Bhawan
CIG Road, New Delhi-110002.

..Respondents

(Through Mr., Gyanendra Singh for R-1, Advocate)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy, Chairman:-

The applicant is working as a Professor in Dentistry in Employees' State Insurance Corporation (ESIC) Medical College and Hospital, Faridabad. He filed this O.A. with a prayer to direct the respondents to supply correct, proper and legal APAR for the year 2017-18, by bifurcating the actual period as available from the records and to direct the respondents to allow him to file the hard-copy of the APAR for the year 2018-19. Another direction sought by him is to nominate some other officers/authorities to evaluate his performance in the APARs for the years 2017-18 and 2018-19.

2. We heard Shri Abdhesh Chaudhary, learned counsel for the applicant and Shri Gyanendra Singh, learned counsel for respondent No.1, at the stage of admission.

3. The applicant claimed relief in respect of APARs for the year 2017-18, on the one hand, and for the year 2018-19, on the other hand. The directions sought for by him are very far reaching in nature.



4. The APAR for the year 2017-18 is already in place. If the applicant is of the view that the evaluation by the Reporting and Reviewing Authorities was not proper, the remedy open to him is to approach the competent authority by making a representation, in accordance with law. The question of nominating different authorities as Reporting and Reviewing Authorities at this stage does not arise.

5. So far as the APAR for the year 2018-19 is concerned, it seems that the applicant did not submit the relevant material within time. Having waited sufficiently, the respondents addressed a letter dated 07.12.2019, requiring him to submit his APAR for the year 2018-19 within three days. By taking a lame excuse that the electronic system is not functioning and he should be permitted to submit hardcopies of the APAR, he approached this Tribunal almost 10 months after the issuance of letter dated 07.12.2019.

5. We, therefore, dispose of the O.A. directing that:

- (a) it shall be open to the applicant to submit a representation to the competent authority as regards APAR for the year 2017-18. As and when the same is submitted, the competent authority shall take necessary steps, in accordance with law; and



(b) the APAR of the applicant for the year 2018-19 shall be processed in accordance with the prescribed procedure, including the one of default procedure.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

November 9, 2020
/sunil/jyoti/rk/sd