



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 850/2020

New Delhi, this the 6th Day of November, 2020

Through Video Conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Bhimraj Meena (Now Bhimraj Dhanna),
Aged 37 years, S/o. Sh. Ramji Lal,
Presently working as Sr. DEE(G),
North Central Railway, Agra,
R/o. Railway Colony, Agra (U.P) ...Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Respondent no. 1 is deleted
2. The Member (Staff),
Ministry of Railways (Railway Board)
Rail Bhawan New Delhi.
3. The General Manager
Central Organisation for Railway Electrification,
Allahabad (U.P)-211001.
4. The Chief Electrical Engineer,
Central Organisation for Railway Electrification,
Allahabad – 211 001. ...Respondents

(By Advocate : Shri Krishna Kant Sharma)

O R D E R (ORAL)

Hon'ble Ms. Aradhana Johri, Member (A)

The applicant was appointed in Indian Railways as IRS (E.E) in 2007 and is presently working as Deputy Chief Electrification Engineer/RNF and posted in North Railway.



2. The present matter pertains to the APAR of 2015-16 in which the Reporting and Reviewing Officer graded the applicant as 'Very Good' while the Accepting Officer downgraded it to 'Good'. Earlier, he filed O.A No. 50/2018 praying for upgradation of the said APAR to "Outstanding". The Tribunal disposed of the O.A with the following orders :

"8. We, therefore, dispose of the O.A directing the 1st respondent-Secretary, Ministry of Railways to pass orders, in accordance with law, on the representation dated 27.06.2017 submitted by the applicant within a period of two months from the date of receipt of a copy of this order. It is made clear that the order dated 20.04.2017 passed by the 2nd respondent shall not in any way constitute the basis while passing the order. There shall be no order as to costs."

3. Thereafter, the respondent no. 2, Member(Staff) as Member (Traction), Railway Board passed impugned order dated 09.07.2019 in which the prayer of the applicant was turned down by stating that there did not appear to be any scope for upgradation in the grading of the APAR.

4. It is the contention of the applicant that this Tribunal had directed the respondents to pass a speaking order in accordance with law and had made it clear that the order dated 20.04.2017 passed by the General Manager Central Organisation for Railway Electrification (Accepting Authority) who is respondent no. 3 in the present O.A., shall not in any way constitute the basis while passing the order. However, as per the applicant the order dated 09.07.2019



though it revised the said order of respondent no. 3, is not a speaking order and the concerned authority has not given any independent opinion, but simply reiterated what the authorities have at various levels stated in their replies to the various representations. As per these representations the Reporting Authority and Reviewing Authority have stood firmly by the grading of the applicant as 'Very Good' whereas, the Accepting Authority has stood by his remarks. The applicant claims that he is not asking for upgradation of the grading but simply that the grading of the Reporting and Reviewing Authorities be upheld since the Accepting Authority has not given adequate reason for downgrading the APAR. He has also stated that letters dated 23.06.2015, 09.09.2015 and 11.09.2015 referred to in the remarks of the Accepting Authority which were treated as the basis for a "Good" grading being given, were issued by the Reviewing Authority who himself did not consider these to be any barrier to his grading of "Very Good". Therefore the Accepting Authority using these letters to treat these APARs as 'Good', is not justified.

5. The applicant has prayed that order dated 9.07.2019 of Member (Staff)/Member (Traction) Railway Board by which his request have been turned down and order dated 20.04.2017 of Deputy General Manager (CORE)



(Allahabad) by which his representation for upgrading the APAR to the benchmark, instead of downgrading it to “Good”, be set aside to the extent by which the Accepting Authority downgraded the grading of the applicant to “Good”.

6. The respondents have denied the claims of the applicant. They have broadly stated here that the Accepting Authority is fully competent to decide the grading of the APARs.

7. Heard Shri Yogesh Sharma, learned counsel for the applicant and Sh. Krishna Kant Sharma, learned counsel for the respondents.

8. This Tribunal vide its order dated 22.04.2019 in O.A No. 50/2018 had directed the concerned respondents to pass orders on the representation dated 27.06.2017, making it clear that the order dated 20.04.2017 passed by the 2nd respondent (in that O.A, who is 3rd respondent in the present O.A) shall not in any way constitute the basis for passing the order.

9. A perusal of the impugned order dated 07.07.2019 discloses that in para 2 it is stated that none of the Reporting, Reviewing and Accepting Authorities have confirmed the claims made by the applicant, and the



Reporting and Reviewing Authorities have stood firm by their earlier assessment which was "Very Good". The Accepting Authority has brought out a confidential letter No. CPM/RE/UMB for poor progress of work and another confidential letter for indiscipline. The applicant has contended that these letters were issued by the Reviewing Authority who considered their matter in detail after which he graded the applicant as "Very Good". It has been brought out that the last letter was issued by the Reviewing Authority who did not consider it a barrier in any way for his grading of "Very Good". Therefore, it is a pick and choose situation where the Reporting Authority and Reviewing Authority who have seen the work of the applicant very closely stand firm by "Very Good" assessment but the Accepting Authority has downgraded it to "Good". It is also noticed that the claim of the applicant at this point is not for upgrading his APAR to "Outstanding" but simply to retain the gradings of the Reporting and Reviewing Authorities. Therefore, the comment of the Member (Staff)/(Traction) that the Reporting and Reviewing authorities have not confirmed the claim of the applicant, stems from a misunderstanding that at this point the applicant is claiming "Outstanding" grading, and not a "Very Good" grading.



10. In light of the above, it is directed that respondent no. 2 shall examine all the material on record and only thereafter take a decision in the matter regarding whether he agrees with the grading of Reviewing and Reporting Officers or that of the Accepting Authority.

11. The O.A is partly allowed and order dated 09.07.2019 is set aside. Accordingly, respondent no. 2 shall pass a speaking order as per para 10, within a period of two months from the date of receipt of a certified copy of this order. No order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narsimha Reddy)
Chairman

/Mbt/