

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.203/00062/2021**

Jabalpur, this Monday, the 25<sup>th</sup> day of January, 2021

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**



Chandra Shekhar Mahapatra  
 Father's Name Ramakant Mahapatra  
 DOB 20/05/1964  
 Occupation Government Job Designation Station Superintendent  
 SECR, Raipur (C.G.) R/o Mahapatra Villa Sec-2 Shivanand Nagar,  
 Khamtarai Khamtarai-2 Raipur (C.G.) -Applicant

(By Advocate –**Shri Shalvik Tiwari**)

**V e r s u s**

1. Secretary Ministry of Railways Rail Bhawan, New Delhi 110001 [Email-spsingh9425153220@gmail.com](mailto:Email-spsingh9425153220@gmail.com)  
 Union of India, through
  
2. General Manager, South Eastern Central Railways, Bilaspur (C.G.) [Email-ayaj.s.raizada@gmail.com](mailto:Email-ayaj.s.raizada@gmail.com)
  
3. Additional Divisional Railway Manager  
 Raipur Division South Eastern Central Railways  
 District Raipur (C.G.)[Email-ajay.s.raizada@gmail.com](mailto:Email-ajay.s.raizada@gmail.com)
  
4. Shree Ravish Kumar,  
 Then Senior Divisional Operating Manager  
 Raipur and presently posted as Senior Divisional  
 Operating Manager, DRM Office Complex, Control  
 Building Bilaspur District Bilaspur (C.G.) PIN 495004  
[Email-ajay.s.raizada@gmail.com](mailto:Email-ajay.s.raizada@gmail.com) - Respondents

(By Advocate –**Shri A.S. Raizada**)

**ORDER (Oral)****By Ramesh Singh Thakur, JM:-**

Heard.



2. This Original Application has been filed by the applicant against the adverse remarks given by the reviewing officer for his Annual Performance Assessment Report for the period 2015-16, 2016-17, 2018-19 without any justification and due to that the applicant is depriving the benefit under the Modified Assured Career Progression Scheme.

3. The main grounds for challenging the impugned action of the reviewing authority are that no justification has been given by the said authority for downgrading the remarks as 'Good' in the applicant's APAR for the period 2015-16, 2016-17 and 'average' in the APAR for the period 2018-19. The reviewing authority did not assess the applicant's performance with due care and the APAR of the employees who have worked under the supervision of the present applicant has been marked as 'Very Good' in their APAR report. The APARs for the aforesaid three years i.e. 2015-16, 2016-17 and 2018-19 have been recorded in a most mechanical manner ignoring the

mandatory instructions particularly regarding issuing memo, warning or advisory note.



4. It has been submitted by the counsel for the applicant that the APARs have not been timely communicated to the applicant and due to which the applicant could not make the representation regarding the adverse entries in his APARs. It has been further submitted by the applicant that APAR has been provided to the applicant only on demanding by him. Therefore, at this stage learned counsel for the applicant submits that the applicant will be satisfied if he may be allowed to file detailed representation against the adverse remarks made in the APARs and thereafter respondents may be directed to decide the said detailed representation in a time bound manner.

5. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

6. We have considered the matter and we are of the view that the natural justice will be met if one opportunity is granted to the applicant to make a detailed representation to

the competent authority of the respondents and they shall decide the said representation in a time bound manner.

7. Resultantly, the applicant is allowed to file a detailed representation against the adverse entries within two weeks from today and the competent authority of the respondents shall consider and decide the said representation, within a period of two weeks after receiving the said representation.



8. Needless to say that the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in the representation filed by the applicant.

9. With these observations, this Original Application is disposed of at admission stage itself.

**(Naini Jayaseelan)**  
**Administrative Member**

**(Ramesh Singh Thakur)**  
**Judicial Member**

kc