

(V)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.173/87

Date of decision: 29-9-93

Sh. Terath Jeet Singh Chawla Applicant

versus

Union of India Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : None

For the respondents : Sh. P.P. Khurana, counsel

JUDGEMENT

(delivered by Hon'ble Sh. B.N. Dhoundiyal, Member(A)

This O.A. has been filed by Sh. T.J.S. Chawla, PA, Central Water Commission, Ministry of Water Resources, New Delhi seeking the following reliefs:-

(a) Payment of one day's salary for 19.10.1984 alongwith interest accrued till date on the amount at the admissible rates, as deemed fit. Further, the respondents may also kindly be directed to furnish the applicant the relevant rule(s)/authority under which the

salary for one day's casual leave under intimation of U.P.C. dated 19.10.1984 has been withheld/deducted.

However, in the absence of any such authority, the respondent No.3 (Director, (Sh. C. Sudhindra) CSMRS, New Delhi) may kindly be reprimanded/advised for this dictatorial tendencies/nature;

(b) To quash the order Nos.:-

- i) No.2/2/84-Estt.I dt. 19.10.1984;
- ii) No.10/1/85-Estt.I/3563 dt. 11.6.1985;
- iii) No.2/1/85-Vig. dt. 11.2.1986.

(c) Expunction of unwanted & irrelevant remarks in C.Rs. for the year 1984.

By the impugned order dated 19.10.1984 (Annexure-D) Sh. Chawla was warned that he should mend his ways and must implement the instructions of his superiors and behave in a manner expected of a Personal Assistant. Any deviation and recurrence of the situation would render him liable to the disciplinary action under the Rules. By the order dated 10.1.1985 and enclosed memorandum dated 11.6.1985, adverse remarks in the confidential rolls for the period from 17.4.1984 to 18.9.1984 & 19.4.1984 to 31.12.1984 were conveyed to Sh. Chawla. By an order dated 11.2.1986 his request for expunction of these remarks was

only partially accepted and a decision was conveyed that except for the remarks made against column No.15(a) of his confidential report for the year 1984 regarding fitness for promotion, all other remarks would remain.

The applicant alleges that adverse remarks have been given to him only because he drew attention of the higher authorities to certain cases of illegal gratification. He had also objected to remarks for two different period i.e. 17.4.1984 to 18.9.1984 & 19.9.1984 to 28.1.1985 being conveyed by Sh. Sudhinra, Director, Central Soil & Materials Research Station though for the earlier spell Sh. S.B. Suri, the Chief Research Officer was his reporting officer. He has also pleaded that the confidential reports have not been filled up in accordance with the prescribed procedure.

This application had earlier been dismissed in default on 4.11.1992, as none appeared on that date and the case was listed in the first 15 cases peremptorily for final hearing. The applicant was not present even on the date of final hearing on 15.9.93. However, we proceed to dispose of this O.A. on the basis of the available records including the original file containing the confidential reports of the applicant.

Counter-affidavit has been filed by the respondents. As regards the first relief, the respondents have stated that the petitioner was informed that the salary for one day was released to him immediately after he submitted the application but he has not received the

amount inspite of repeated references. It appears that later the amount has been deposited to the government account in bank.

As regards memos conveying adverse remarks and rejecting his application, we have seen the original records. While examining his representation for expunction of these remarks, the Director had requested the Ministry to consider the representation as prescribed under the Rules. Though certain recommendations were made for deletion of some remarks on the basis that confidential reports of Sh. Chawla for the earlier periods as well as for the following periods recorded his performance usually good and satisfactory, the competent authority i.e. JS(A) decided that all the remarks may remain as the Director amply justified the remarks given by him.

In the facts and circumstances of the case, we hold that the respondents cannot be faulted either for non payment of one day's salary or for giving the adverse entries in the confidential reports by two different officers under whom he worked for the period in question. His representation as well as comments of the Director were duly considered by the Ministry and taking into account of the circumstances, the Competent Authority had decided to reject his representation. The applicant is not entitled to any relief and the O.A. is hereby dismissed. There will be no orders as to costs.

B. N. Dhoungiyal
(B.N. Dhoungiyal) 28/9/53
Member(A)

S.K. Dhaon
(S.K. Dhaon)
Vice-Chairman