

In the Central Administrative Tribunal

Principal Bench: New Delhi

Regn.No.OA 252/87 Date of decision: 20.08.1992.

Shri P.R. Velayudhan ...Petitioner

Versus

Union of India through ...Respondent
Additional Secretary, Department of
Electronics, New Delhi.

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. I.K.Rasgotra, Administrative Member

For the Petitioner Shri K.L. Asthana, Counsel.

For the respondent Shri P.P. Khurana, Counsel.

Judgement(Oral)

(Mr. Justice V.S. Malimath, Chairman)

The petitioner in this case was holding the post of A.C. Plant Operator classified as Tradesman 'B'. His next promotion is to the category of Tradesman 'C'. The Review Committee after assessing in the trade test and the confidential report did not find him suitable for promotion. There is an adverse remark made in the confidential report for the year 1984 which was communicated to him. It is in this background that the petitioner has approached the Tribunal for relief, praying for the quashing of the adverse remarks in the C.R. for the year 1984 and for a direction to give him promotion from October, 1984 after expunging the adverse remarks from the A.C.R. for 1984.

2. The adverse remarks for the year 1984 communicated to the petitioner are as follows:-

"Amenability to discipline behaviour towards the public	"Should improve."
General Remarks:	"Should improve"
	"Sh.Velayudhan is a good technical worker. His behaviour towards his senior officer and colleagues should improve. He may be informed about this only shortcoming in writing. He is otherwise OK."

The requirement to improve behaviour towards public is qualified and elaborated by saying that he is a good technical worker and his behaviour towards his senior officers and colleagues should improve. It is further stated that he may be informed about this short-coming in writing as he is otherwise OK. The petitioner alleges that the adverse remark made against him was by a biased officer. There is no substance in the contention as no material has been produced by the petitioner in this behalf. There is no good reason to presume that the petitioner's superiors deliberately wrote an adverse remark against him about his conduct towards his senior officers and colleagues not being good. It is necessary to point out that in the very C.R. there is a good reference to his being a good technical worker. It is further pointed out that the only deficiency noticed during that year ending on 31.12.1984 is about his behaviour towards his seniors and colleagues. An argument was constructed to the effect that an adverse remark that his behaviour towards the public is not good could not be made as the

contd....3..

petitioner has nothing to do with the members of the public. Assuming that the petitioner has nothing to do with the members of the public, we fail to see how this contention can be advanced for the reason that in the adverse remark it is not stated that the petitioner's relationship with the members of the public is not good. There is a specific mention about his behaviour with his seniors and colleagues. There is a further statement that this is the only shortcoming on his part. Though the column in the A.C.R. adverts to the behaviour towards the public as well, the entry proper has no bearing on the relationship of the petitioner towards the members of the public. Hence it is not possible to understand the adverse remark as conveying that the petitioner's relationship with the members of the public was not satisfactory.

2. It was next contended that the clear effect of the memorandum dated 19.1.1987 on the petitioner's representation for expunging the adverse remark is to take away the effect of any adverse remark. He, therefore, submitted that the adverse remark in the year 1984 must be struck down or declared as not being in force. In response to the representation for expunging the adverse remark for the year 1984 the memorandum dated 19.1.1987 in clear and categorical terms says that the said request is rejected.

✓ There is, however, an observation that the adverse

remarks in his A.C.R. for the year 1984 are being condoned for the purpose of his future promotion. But the same cannot be extended to give retrospective effect. This observation does not have the effect of declaring that the adverse remark made in the year 1984 was unjustified and is, therefore, cancelled or vacated. It only conveys that they will not stand against him in the matter of promotion in future. That is precisely what was done and he was given promotion in the year 1986. It is not possible to understand the memorandum dated 19.1.1987 as having the effect of holding that the adverse remark was not justified. We, therefore, see no good ground to interfere with the adverse remark made against the petitioner for the year 1984.

3. So far as the promotion of the petitioner is concerned, it is obvious that the adverse remark for the year 1984 was of no consequence, as that was not taken into account. In the reply, filed by the respondents, there is a clear and categorical statement that so far as the Review Committee is concerned, what were placed before them for consideration were the adverse remarks for the years/1982 and 1983 and not the adverse remarks for the year 1984. Hence it is obvious that the assessment of the petitioner was made without taking into consideration

the adverse remarks made in the ACR of 1984. Hence the petitioner cannot make any grievance on that score. There is no infirmity pointed out so far as the assessment on the petitioner's merit and suitability for promotion is concerned. We, therefore, see no good reason to interfere in this Petition.

4. For the reasons stated above, this Petition fails and is dismissed. No costs.

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(I.K. Rasgotra)
Member(A)

Malimath
(V.S. Malimath)
Chairman

August 20, 1992.

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