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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. 211/91 in O.A. 1145/88 Date of decision: 13/12/91

Lall Chand

.. Petitioner.

Versus

Union of India & Others

.. Respondents

Sh.G.D.Bhandari

..Counsel for the petitioner

O R D E R

The learned counsel for the applicant has filed this Review Application against the order dated 21.10.91 in O.A. 1145/88

2. In the Review Application the facts mentioned are a reiteration of those urged earlier in the representation. However, the following issues have now been brought out:-

- i) The judgement has taken into consideration the rejection of the representation of the applicant in respect of adverse A.C.Rs. He has contended that the representation was rejected on 12.12.88 but the O.A. was filed on 3.6.88. Therefore, the rejection order was not insight.

In this connection it may be mentioned that the fact of rejection of the representation of the applicant was brought out before passing of the judgement. In fact in the counter on behalf of the respondents, copy of which was given to the applicant, it was clearly mentioned in para 'D' that the decision on his representation was duly taken and

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communicated on 12.12.88 through the Rail Coach Factory, Kapurthala and a copy of this letter of rejection was enclosed at R-1. Therefore, there is nothing illegal in taking cognizance of this fact.

- ii) The unfavourable confidential report should not ordinarily be made before an opportunity has been taken preferably at a personal interview or if that is not practicable, by means of a personal letter. The issue of personal interview arises only in the prepassing of the adverse remarks and not post-passing of the remarks. The order, however, gave direction for a personal hearing by the Secretary, Railway Board, whether any modification or expungement of the adverse remarks was called for.

While it is true that according to instructions, before making unfavourable confidential report, the affected Government servant ordinarily (emphasis ours) be given an opportunity of personal interview or personal letter. The learned counsel for the respondents had mentioned that the reporting Officer had advised the applicant of his deficiency in ~~in~~ work orally during the course of the year. Even then on the principle of natural justice the order included a direction to the highest authority amongst the respondents to give a personal hearing within a period of three months, for consideration whether any modification or expungement of the adverse remarks was called for.

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iii) Regarding the delay in communication of the A.C.Rs. and the disposal of the representation the matter was brought out in the O.A. also and this was taken into consideration in the order. The reasons for delay, as explained by the respondents, were also briefly stated in the order.

3. The Review Application had been considered but we find that there is neither any ground of discovery of new and important matter nor any mistake or error apparent on the face of the record nor any sufficient reason to merit consideration.

4. The Review Application, therefore, stands rejected.

I.P. Gupta
(I.P. GUPTA) 13/12/91
MEMBER(A)

For consideration

Agree,

Ram Pal Singh 13.12.91
(RAM PAL SINGH)
VICE CHAIRMAN(J)