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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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O.A. NO.1802/90

25.02.1992

SHRI RAMJI LAL

...APPLICANT

VS.

LIEUTENANT GOVERNOR & ORS.

...RESPONDENTS

CORAM :

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI A.S. GREWAL

FOR THE RESPONDENTS

...MRS.AVNISH
AHLAWAT

1. Whether Reporters of local papers
may be allowed to see the judgement? *Yes*

2. To be referred to the Reporter or not? *Yes*

JUDGEMENT (ORAL)

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J))

The applicant is working as Inspector of Police

under Delhi Administration from 28.12.1987. In this application, the applicant assailed the annual remark given to him by the Deputy Commissioner of Police for the period from 2.1.88 to 31.3.88. The applicant has made a representation against these remarks on 20.7.89, which was rejected on 13.2.90. In the adverse remark under review, according to the learned counsel, there is a mention of some complaints having been received against the applicant, but these were not substantiated. The applicant is particularly aggrieved by the following adverse remarks :-

"It has been mentioned that needs close supervision, as there were complaints against him which could not be substantiated."

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The applicant has claimed the relief that these adverse remarks be expunged and the order of Deputy Commissioner of Police dt.7.2.90 rejecting the representation of the applicant be also quashed.

The respondents contested the application and stated that the applicant has been rightly judged on his performance for the period from 2.1.88 to 31.3.88. It is further stated that this period covers 90 days, which is equivalent to three months. It is further stated that there were complaints against the applicant which could not be substantiated, but suspicion persisted against him. Remarks were recorded objectively to keep in mind while deciding his future postings as well as giving him an opportunity to mend his ways. It is further stated that the applicant was asked several times to mend his ways.

I have heard the learned counsel for the applicant on 12.2.91 and again today. I heard the learned counsel for the respondents in the pre lunch session and the learned counsel for the applicant has also now replied to the arguments of the counsel for the respondents.

Actually the remark given to a person is the overall assessment made by the superior officer at the relevant time. In the case of the applicant, the observations which have been reflected in the ACR of the period under review go to show that there were certain complaints against the applicant during that period. It is mentioned in the remark that those complaints were not substantiated in material particulars. However, since there was an occasion available against the applicant for making complaints, the future performance of the applicant was to be ^{watched} ~~washed~~. This is an observation by the Deputy Commissioner of Police and it cannot be said that this observation is without any basis. Firstly, the complaints against police officers are rare. Secondly, it needs courage and strength to face that complaint when it is enquired into in the face of a police officer of the rank of Inspector. Thirdly, the representation has also been considered by a superior officer, who had the occasion to look to the work of the applicant during that period. Though, the order dt. 7.2.90 passed by DCP is not a speaking order, but it goes to show that there was an application of mind. As held by the Hon'ble Supreme Court in ^{E. C. Nambudri} ~~Jambhori's~~ case, 1991 (2) S.L.R.P. 675 the order on representation against the adverse remarks need not be a detailed order. So no flaw can be pointed out in this order of the Deputy Commissioner of Police dt. 7.2.90.

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The learned counsel for the applicant rightly pointed out that such remarks are likely to impair the future career of the applicant. The remarks which have been given to the applicant also speak something good of him, so it cannot be said that if something is written on the basis of a close watch on the performance of the applicant, that should be struck down only on the basis that such a remark would be a hurdle for future consideration of promotion of the applicant. In fact, in the Original Application, there is no plea of malice or motive to the reporting officer or to the reviewing officer that they did not objectively assess the applicant's performance on the merit.

In such a situation, there is no need to interfere. The application is, therefore, devoid of merit and dismissed leaving the parties to bear their own costs.

Jomani
(J.P.SHARMA) 25.2.92
MEMBER (J)
25.02.1992

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