

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 230/90

New Delhi, dated the 1th June, 1994

Hon'ble Sh.S.R. Adige, Member(A)

Hon'ble Smt.Lakshmi Swaminathan, Member(J)

Shri Sudhir Kumar Dixit  
Resident of C-164-B, Lajpat Ngr,  
Sahibabad, Ghaziabad (UP)

... Applicant

(None for the applicant )

Versus

Controller of Accounts Ministry  
Energy Deptt. of Power, Sewa Bhawan,  
R.K.Puram, New Delhi.

... Respondent

(By advocate Sh. Madhav Panikar )

JUDGMENT(ORAL)

(Hon'ble Sh.S.R. Adige, Member(A))

None for the applicant, although we have waited for a considerable length of time. As this is an old matter, we thought it fit to dispose it off after considering the material on record and hearing Sh. Madhav Panikar, 1d.counsel for the respondents who was present.

2. In this application Shri Sudhir Kumar Dixit, Accountant, Pay and Accounts Office, Central Electricity Authority, New Delhi has prayed for expunction of adverse

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confidential remarks recorded in his ACR for the year 1986 and for his promotion as Sr. Accountant (functional) w.e.f. 1.4.87, i.e. the date from which his juniors were promoted.

3. The only ground taken in this O.A. is that the adverse remarks in the ACR for the year, 1986 are baseless, fabricated, vague, arbitrary and with sole intention to deny the applicant his promotion.

4. The relevant adverse remarks are recorded below:-

- He has reviewed all the F.S. cases during 1986 and cleared 98 items out of 825 items."
- SHRI S.K. Bixit has been working for more than 5 years on the seat dealing with recovery of pension and Leave Salary Contribution. Major portion of the work on the seat remains undone as on today. In spite of the instructions issued to him little clearance has been achieved. He is indifferent to work though capable of doing it."

5. On perusal of these remarks, it is clear that these <sup>are</sup> explicit and <sup>have</sup> been recorded with a view to make applicant improve his work.

6. Shri Madhav Panikar, has drawn our attention to paragraph 2 of the reply, from which it is clear that the applicant was given certain directions by the Controller of Accounts on 27.9.85 itself, it appears that these instructions were not followed. In para 3 of the

reply it is stated that the applicant was directed to calculate certain amounts recoverable upto date in respect of the concerned officials and intimate the same to the foreign employer for realisation on account of leave salary and pension contributions, which work was specifically assigned to him. Instead of taking action in terms of these orders, the applicant wrote a lengthly note on the register itself stating therein that he was not duty bound to calculate the dues to be recovered for the period 1985, in respect of each such official. Thus, Shri Madhav Panikar pointed out that the applicant had not obeyed the orders of the Head of Department i.e. Controller of Accounts.

7. Prima facie, we see no reason to disagree with the contents of the reply filed by the respondents, and in the circumstances it appears that adequate justification existed for recording the impugned adverse remarks. In view of these adverse remarks, the applicant naturally could not be promoted when DPC considered his case.

8. In the result, we see no reason to interfere with the impugned order and this application is dismissed.

No costs.

*Lakshmi Smetha*  
(Lakshmi Swaminathan)  
Member (J)

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*S. R. Adige*  
(S. R. Adige)  
Member (A)