

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.A.No.972/91

DATE OF DECISION 20.11.92

Sh.Narender Mohan

Applicant

v/s

U.O.I.

Respondents

For the Applicant

Sh.Inderjit Sharma

For the Respondents

Sh.D.K. Sharma

JUDGEMENT (ORAL)

CORAM

(Hon'ble Sh.S.R. Sagar, Member (J)

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed by the applicant against communication of the adverse remarks in his ACR for the period from 19-7-88 to 31-3-1989 as per Annexure P.I.

After hearing the arguments on both sides and considering the facts on records, it appears to me, that the applicant has allegedly conducted investigations in about 24 cases detailed in Annexure P-2 during the said period and in respect of cases Nos.9, 11 and 21 he has received recognition certificates as well as reward for doing good work as per (Annexure P.8) in series. The 1d.counsel for the applicant has urged before me, on the basis of these certificates and award, that during the period in question, the applicant had been doing commendable work and therefore his knowledge and capacity to investigate could not be questioned by means of the adverse remarks extracted below:-

" His standard of investigation leaves much to be desired"

As regards applicants allegation of malice on the part of the reporting officer, it has also been urged on behalf of the applicant that because of his good work he was selected and sent for training to Crime detecting training course and after completion of his training, he has now been posted for giving guidance to the Investigating Officers in heinous crimes. The Respondents have opposed the application as well as submissions of the Learned Counsel for the applicant. On their behalf, the Ld.Counsel for the respondents, has urged that in the criminal case under the provision of Essential Commodities Act the applicant was first required to verify the information received by him and after some legal evidence was to start taking action of sealing premises in question. According to the respondents the act of the applicant registering the case and sealing the premises without legal evidence was invalid. A memo. was, therefore, issued to him by the Asstt. Commissioner of Police.

Besides the aforesaid submission, the Learned Counsel for the applicant has drawn my attention to Annexure A-4 whereby representation of the applicant against the adverse remarks has been rejected. He has submitted that the order of rejection is cryptic, and it does not contain any grounds for rejecting representation of the applicant. Ld.Counsel for the respondents has

cited ATC 1991 SC 104, UOI v. E.G. Nambuari and has submitted that in the order rejecting the representation against adverse remarks no reasons are required to be given. I have gone through this decision of the Hon'ble Supreme Court which partly supports the arguments of the Ld. counsel for the respondents. It has been clearly laid down that though reasons may not be required to be recorded but reasons must exist which can be shown to the court when required. I have perused the personal file of the applicant shown to my by the Ld. Counsel for the respondents.

I am of the view that the fact that investigation was conducted by the applicant in 24-cases referred to by him and also certificates in recognition for his work were issued to him, his representation should not have been rejected by the respondents without giving any reasons. I am not touching the merit of the case but I may impress upon the senior police authorities that atleast in their file they shoud deal with the matter giving cogent reasons for taking any decision either rejecting or allowing the representation. The representation of the applicant requires to be ^{re}considered on merit by the authorities concerned.

In view of the above, the respondents are directed to reconsider the representation of the applicant in the light of my observations made herein above and decide the matter in question within a period of three months

from the date of receipt of a copy of this order. This will not, however, preclude the applicant to approach the appropriate authority including the Tribunal if he still feels aggrieved of any order which may be passed by the respondents in accordance with above directions.

The application stands disposed of accordingly with no order as to costs.

W.S.G.
(S.R.SICAR)
MEMBER (J)