

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2066/92

New Delhi this the 15th October, 1997.

Hon'ble Mr. S.R. Adige, Vice-Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Smt. Anita Sahni,  
Addl. Collector,  
Central Excise,  
Bombay-II,  
Peeramal Chambers,  
Lal Bagh,  
Bombay.

...Applicant

(By Advocate Shri C. Hari Shankar)

-Versus-

1. Union of India through  
its Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block,  
New Delhi-110001.
2. The Chairman,  
U.P.S.C.,  
Dholpur House,  
Shahjahan Road,  
New Delhi-110011.
3. The Secretary,  
Department of Personnel & Training,  
Ministry of Personnel, Public  
Grievances & Pensions,  
North Block,  
New Delhi-110 001.
4. The Chairman,  
Central Board of Excise & Customs,  
North Block,  
New Delhi-110 001. ...Respondents

(By Advocate Shri R.R. Bharti)

O R D E R (ORAL)

Mr. S.R. Adige, Vice-Chairman (A):-

Applicant presses various reliefs in the OA, but during hearing applicant's counsel Shri Hari Shankar has pressed only the prayer for correction of the applicant's ACR for the calendar year 1978.

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2. We have perused the photocopies of the applicant's ACR for the relevant period. It is noted that for the period 1.4.78 to 30.6.78, no remarks were recorded, as it is stated that the applicant worked under different officers during the said period.

3. However, for the remaining period of the year 1978, we note that whereas against various columns the Reporting Officer had assessed the performance of the applicant as 'Very Good', the Reviewing Officer, has struck off those portions of the Reporting Officer's assessment where it has been stated that the applicant was 'Very Good' and has only left the word 'Good' against those remarks. After initialling his corrections, he has also downgraded the applicant as 'Good' under those various headings.

4. The Reviewing Officer was required to record his independent evaluation in Part-IV of the CR form. This he has done by grading applicant overall as 'Good' but it has not been made clear as to under what rules and instructions he made change in the evaluation done by the Reporting Officer. That apart, no reasons have been given as to basis on which the Reviewing Officer downgraded the performance of the applicant, under those various heads from 'Very Good' to 'Good'.

5. In a similar case bearing OA No.88/93 - S.K. Roy vs. Union of India decided by a single Bench of the Tribunal on 3.11.93, a direction had been issued, after expunging the remarks of the Reviewing Officer and remitting the case back to the department, for reconsideration by the Reviewing Authority. It was further noted that if for any

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reason such a review was not possible at that stage the ACR would stand only to the extent of remarks given by the Reporting Officer. Nothing has been shown to us to suggest that the said judgement has not become final.

6. In the facts and circumstances of the case before us, we hold that the said directions dated 3.11.93 in S.K. Roy's (supra) case would be appropriate in the present case also and we direct accordingly.

7. These directions may be implemented within three months from the date of receipt of a copy of this order. No costs.

A Vedavalli

(DR. A. VEDAVALLI)  
MEMBER (J)

S.R. Adige  
(S.R. ADIGE)  
VICE-CHAIRMAN(A)

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