

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.2257/92

Date of decision: 6-7-93.

Dr. Vijay Kumar Rastogi

...Applicant

V e r s u s

Union of India & Another

...Respondents

CORAM:

THE HON'BLE MR. J.P.SHARMA, MEMBER(J).

For the applicant ...None.

For the respondents ...Shri P.P.Khurana, Counsel.

JUDGMENT (ORAL)

The applicant, Dr. Vijay Kumar Rastogi, Scientist 'C', D.R.D. E Gwalior, since retired from service, filed this application on 31st August, 1992, being aggrieved by the entry dated 30-7-91 made in the Annual Confidential Report of 1990 (annexure A-1). He is also aggrieved by the rejection of his representation by the Order dated 17-2-92 (annexure A-2). In para 8 of the application, the applicant claimed the relief that the aforesaid adverse remarks in the A.C.R. of 1990 (annexure A-1 and A-2) be quashed.

2. When the case was called, none appears for the applicant and it is about 5 minutes to 4 P.M. Shri P.P.Khurana appears for the respondents. The case, therefore, is decided on the basis of the pleadings of the parties assisted by the learned counsel for the respondents.

3. Firstly, the adverse remarks communicated to the applicant is to the following effect :-

" He has been carrying out routine work."

In the representation made by the applicant, the applicant has made certain averments that in the year 1990, he has completed certain research projects,

Contd...2/-

i.e., studies on cytochrome oxidase during Aluminium phosphide poisoning. This was allotted to him by the Director. The averment in the application is that the said adverse remarks are in violation of the guidelines which the applicant has enclosed along with the application as annexure A-4 and A-5. Further, it is stated that the adverse remarks are not speaking and the rejection of the representation of the applicant is also by non-speaking order. The contention of the respondents is that the confidential report of the applicant was strictly in accordance with the instructions contained in the guidelines for rendition of C-PARs on scientists of DR/DS. It is further stated that Scientist 'C' category to which the applicant belonged, are only expected to choose to their research problems but are also expected to guide scientific assistance in the day-to-day work. Basically, it is the sole domain of the superior expert supervisor to appreciate and appraise the scientific aptitude of the subordinate. That appreciation cannot be taken by the Tribunal or Court who is not an expert body in the particular discipline of science. The applicant has not alleged any mala fide against the reporting or reviewing officer. His only contention that the adverse remarks are not speaking has no basis. These are not punishment orders and only report about the working of the concerned employee in the period under review.

4. In the representation preferred to the respondents, he has not taken any ground about the vagueness of the adverse remarks.

5. Considering all these facts and also that the applicant has since retired, I find no merit in this application. The same is dismissed leaving the parties to bear their own costs.

J. P. Sharma

(J.P.SHARMA)
MEMBER(JUDL)