

**Central Administrative Tribunal
Principal Bench: New Delhi**

O.A. No. 1988/2021

This the 14th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Ms. Juhi Verma,
W/o Rahul Yadav,
R/o D-II, House No. 132,
Kaka Nagar, Zakir Hussain Marg,
New Delhi - 110003.

...Applicant

(By Advocate: Mr. Rahul Pratap)

Versus

1. Union of India,
Through, Defence Secretary,
Ministry of Defence,
South Block, New Delhi – 110011.
2. Sanjeev Mittal,
Financial Advisor, Defence Services,
Ministry of Defence,
South Block, New Delhi – 110011.
3. Financial Advisor, Defence Services,
Ministry of Defence,
South Block, New Delhi – 110011.
4. Controller General Defence Accounts,
Ulan Batar Road, Palam,
New Delhi – 110010.





5. Senior Joint Controller General,
Defence Accounts (Admin),
O/o of the CGDA,
Ulan Batar Road, Palam,
New Delhi – 110010.

...Respondents

(By Advocate: Mr. Sanjeev Yadav)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

The applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- “1) To call for the record pertaining to Annual Performance Appraisal Report of the Appellant for the Period 17.05.2019 to 31.3.2020 and after perusing the same set aside/expunge the remarks given in the Pen Picture of Annual Performance Appraisal Report and consequent grading of ‘6’ given by the Accepting Authority i.e. Respondent No.2.
- 2) To uphold the ‘Outstanding’ grading and remarks given in the Pen Picture by the Reporting Authority and Reviewing Authority in the Annual Performance Appraisal Report of the Appellant for the Period 17.05.2019 to 31.03.2020.
- 3) To expunge/quash the Advisory dated 12.07.2019 issued to the Appellant by the office of the CGDA.
- 4) Pass any such orders or directions which this Hon'ble Court may deemed fit and appropriate in the facts and circumstances of the case.”



2. The facts of the case are that the applicant belongs to Indian Defence Accounts Service (IDAS) Group-A of 2010 batch. After completing her training in 2012, she worked under various departments in the Ministry of Defence, Ministry of Home Affairs and R&AW. On 08.05.2018, while she was posted in the office of CGDA Headquarters as Sr. Assistant Controller General of Defence Accounts and was rated as 'outstanding' in her appraisal for the period 08.05.2018 to 31.03.2019. On 30.04.2019, she initiated a note pertaining to transfer of an officer posted in CGDA, Patna and submitted it before the respondent no.2 for approval on 01.05.2019, who took charge as CGDA. That note was kept in a separate file. However, the AAO submitted another note dated 09.05.2019 to the respondent no.2, who forwarded the same to Sr. Joint CGDA with a comment for interlinking the fresh note with the earlier note submitted by the applicant. Thereafter, the applicant was transferred on 17.05.2019, and was accordingly relieved from the office of CGDA Headquarters to join the office of PCDA, New Delhi. However, an explanation was sought from her at the behest



of Respondent No.2, who was the CGDA at the relevant point of time, wherein it was alleged that the applicant had given direction that noting dated 30.04.2019 be removed and a new noting be placed on file, which tantamounted to tampering with the official records. In response thereof, the applicant denied the allegation by stating that the said note was kept in a separate file for official records. Though the reporting officer of the applicant agreed in principle with the explanation of the applicant, but the respondent No.2 issued an advisory to the applicant. On 14.10.2019, the department, while issuing vigilance clearance at the behest of respondent No.2, who was CGDA at that point of time and having spiteful relationship with the applicant, purportedly mentioned about the advisory note dated 12.07.2019, due to which the applicant was deprived of the opportunity of being appointed to the post of Under Secretary in the National Security Council Secretariat.

3. Being aggrieved by the advisory note dated 12.07.2019, the applicant filed a representation dated 08.11.2019. Resultantly, respondent No.2 was issued



advisory by the Secretary Defence Finance on the representation of the applicant wherein the respondent No.2 was advised not to mention such advisory in the letters issued for cadre clearance, especially when the vigilance clearance has already been accorded.

4. On 15.04.2020, the applicant was promoted to the Junior Administrative Grade. On 30.09.2020, the reporting officer graded the applicant as 'outstanding' with the rating of '8.25' out of '10' in her Annual Performance Appraisal Report (APAR) for the Period 17.05.2019 to 31.03.2020, which was upgraded to rating '9' by the reviewing authority. But the respondent No.2, who was the accepting authority, with mala fide intention and in order to wreck vengeance on the applicant and to jeopardize her career, reversed the 'outstanding' rating from '9' to '6'. Being aggrieved with the action of respondent No.2, the applicant filed a statutory representation dated 11.01.2021 before the appellate authority i.e. respondent No.3, which position is currently held by the respondent No.2.



5. Learned counsel for the applicant Sh. Rahul Pratap submitted that since at present respondent No.2 is the appellate authority of the applicant, who downgraded her APAR for the period from 17.05.2019 to 31.03.2020 from '9' to '6', it would be in the interest of justice if a direction is issued to the respondents, other than respondent No.2, to decide the applicant's statutory representation dated 11.01.2021 in a time bound manner.

6. Accepting the submission made by the learned counsel for the applicant and in view of the principle that no one can be judge of his own cause, we deem it fit and proper to direct the respondents, other than respondent No.2, to decide the statutory representation dated 11.01.2021 of the applicant, by passing a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, the O.A. stands disposed of at the admission stage itself, without going into the merits



of this case. MA-2518/2021 also stands disposed of. There shall be no order as to costs.

8. This order has been passed in the presence of Sh. Sanjeev Yadav, learned counsel for the respondents.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

vv/lg