



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.477/2021
MA No.591/2021

This the 31st day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Shri Harkesh Mali
(Phone No. 98680-14956)
Son of Shri Ramphool
Aged about – 44 years, Posted as TGT (Sanskrit)
Government Boys Senior Secondary School,
Mohan Garden, No. 1, New Delhi.
Resident of:- C-3/352, Nangli Vihar extension, gali no. 18. Paprola,
Najafgarh, New Delhi – 110043

...Applicant

(By Advocate: Mr. Satish Kumar)

VERSUS

1. Government of National Capital Territory of Delhi
Through, the Chief Secretary,
New Secretariat Building, ITO, New Delhi.
2. Secretary, Department of Education,
Government of NCT of Delhi
New Secretariat Building, ITO, New Delhi.
3. Director of Education
Government of NCT of Delhi.
Old Secretariat Building, Sham Nath Marg, New Delhi.
4. Deputy Director of Education, District-South,
R.K. Puram, Sector-III, New Delhi-110022.

...Respondents

ORDER (ORAL)



Justice L. Narasimha Reddy:

The applicant is working as Trained Graduate Teacher (Sanskrit) in the Directorate of Education, Government of NCT of Delhi. His ACR for the year 2008-09 was rated as 'Average'. Feeling aggrieved by that, he made a representation to the competent authority, i.e., the Deputy Director (Education). Through an order dated 12.12.2017, the Deputy Director informed the applicant that he called for remarks from the Reporting Officer (RO), and on examination of the remarks and the relevant record, he did not feel it necessary to expunge or upgrade the ACR. This OA is filed, challenging the order dated 12.12.2017.

2. The applicant contends that his ACR was consistently of very high order, and in the instant case, he was not put on notice, much less he was informed of any lapse on his part. He contends that the gradation by the RO was wrong, and instead of correcting it, the competent authority has upheld it.

3. We heard Mr. Satish Kumar, learned counsel for the applicant, at the stage of admission.

4. The applicant is under impression that his ACR for the year 2008-09 was downgraded. The fact of the matter is that the RO himself rated it as 'Average'. Reason stated therefor is that the applicant did not complete the evaluation of answer scripts of Class-VIII 'C', and that in turn, caused delay in declaration of the results. On



a representation made by the applicant, herein, the competent authority called for remarks of the RO as well as the record. He passed a reasoned order on 12.12.2017, taking the view that he does not find any basis to alter the gradation.

5. The occasion for this Tribunal to interfere with the order passed by the competent authority would arise, if only it is bereft of any reasons or the remarks from the concerned authority, were not called for. In the instant case, the competent authority called for remarks and he has undertaken the discussion about the matter.

6. We do not find any defect or illegality in the impugned order. The OA is, accordingly, dismissed.

7. MA No.591/2021 also stands disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/rk/ns/akshaya/