

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



OA No. 555/2021

This the 12th day of March, 2021

(Through Video Conferencing)

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

Manish Kumar Vikas
 Aged 37 years, Group B
 S/o Shri Geetam Singh
 Junior Statistical Officer
 Sub-Regional Office, Jalgaon
 Field Operations Division
 National Sample Survey Office
 Ministry of Statistics and Programme Implementation
 F-Mezzanine Hall
 Resident of
 C/o Shri Vikas Gaikwad, Sirsoli Road
 Jalgaon-425001
 Mobile No-9528757830

...Applicant

(By Advocate: Sh. Tushar Ranjan Mohanty)

VERSUS

1. Union of India through
 The Chief Statistician of India and Secretary
 Ministry of Statistics and Programme Implementation
 Sardar Patel Bhawan, Parliament Street
 New Delhi-110001.

2. Rakesh Kumar, ISS
 Director
 Through the Chief Statistician of India and Secretary
 Ministry of Statistics and Programme Implementation
 Sardar Patel Bhawan, Parliament Street
 New Delhi-110001.



3. Deepak Verma, ISS
Deputy Director
Through the Chief Statistician of India and Secretary
Ministry of Statistics and Programme Implementation
Sardar Patel Bhawan, Parliament Street
New Delhi-110001.

4. R.P. Sharma
Senior Statistical Officer
Through the Chief Statistician of India and Secretary
Ministry of Statistics and Programme Implementation
Sardar Patel Bhawan, Parliament Street
New Delhi-110001.Respondents

(By Advocate: Sh. R.V. Sinha with Sh. Amit Sinha for R-1)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy:

The applicant is working as Junior Statistical Officer in National Sample Survey Office, Ministry of Statistics and Programme Implementation. He filed this OA with a prayer to quash and set aside the Remarks in the Annual Performance Appraisal Report (APAR) for the year 2017-2018, in the Integrity Column.

2. The Reporting and Reviewing Officer indicated the integrity of the applicant as 'doubtful'. The Accepting Officer agreed with the same. Thereafter, the applicant made a representation before the competent authority. Through an order dated 17.07.2020, the competent authority informed the applicant that he agreed with the grading and remarks in the APAR for



the year 2017-2018 made by the Reporting and Reviewing Officer. The order dated 17.07.2020 is challenged herein. The applicant made extensive reference to various orders of the Government regarding the procedure to be followed for making entries about integrity. It is stated that the prescribed procedure was not followed in his case.

3. We would have certainly examined the issue in detail after hearing the respondents. What has shocked the Tribunal is that in Para 4.5 of the OA, that not only the applicant has arrayed Reporting and Reviewing Officers as parties by name, as Respondent No. 3 and 4, but also made devastating remarks against Respondent Nos. 3 and 4. The relevant portion reads as under:

“4.5. That the Applicant wishes to humbly submit here that the Adverse Entry that was given to the Applicant was by Respondent No. 4. Respondent No. 4 was the immediate Supervising Officer of the Applicant, but Respondent No. 4 is a Goonda Element and he once invited several Anti-Social Elements to the Office at Agra one day and pointed out the Applicant. He threatened the Applicant that he will ensure that the Applicant will be beaten brutally by his Hench Men and his future will be spoiled. The reason for this was that Respondent No. 4 was running a racket in the Office and collecting money from the Staff and other Organisations/Individuals connected with the Office, which was later being divided between the three Private Respondents, but the Applicant and a few others refused pay bribes and had to face the consequences. The impugned Annual Performance Appraisal Report of the Applicant for the year 2017-2018 (Annexure A-2) is one such action.”

4. Such insinuations have no place in the pleadings before a legal forum. Even if the applicant has no control on himself



making such remarks, that too against his superiors, the Advocate is required to be careful not to incorporate such unparliamentary and devastating comments against the officers. The applicant is literally blackmailing the superior officers in the Department. The Tribunal cannot entertain an OA with such unparliamentary language and indisciplined comments. We also take serious exception to the manner in which the OA was drafted by the learned counsel.

5. We dismiss the OA by imposing cost of Rs. 10,000/- on the applicant payable to the CAT Bar Association (Library Fund) within four weeks from the date of receipt of a copy of this order. If the amount is not paid within the stipulated time, the same shall be deducted by the respondents from the salary of the applicant and forwarded to CAT Bar Association (Library Funds).

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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