

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

O.A. No.1279/2021

This the 9th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Andy Sehgal,
Asst. Public Prosecutor (Group B-4800 Grade Pay), 36 yrs,
Dte. Of Prosecution, GNCT of Delhi,
Presently attached with Police Training College,
Jharoda Kalan, New Delhi – 110072.

.. Applicant
(Applicant in person)

VS.

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, IP Estate, New Delhi.
2. Principal Secretary Home,
Delhi Secretariat, IP Estate, New Delhi
3. Director,
Directorate of Prosecution, GNCT of Delhi,
First Floor, Tis Hazari Courts Complex,
Delhi – 110054.
4. Principal Police Training College,
Police Training College, Jharoda Kalan,
New Delhi – 110072.

.. Respondents

(By Advocate : Ms. Esha Mazumdar)



O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Assistant Public Prosecutor in the Directorate of Prosecution, Government of NCT of Delhi. For the year 2017-18, the Reporting Authority rated him with 6.5 marks, making certain observations. However, the Reviewing Authority reduced the rating to 5 and made certain adverse remarks against him. This OA is filed with a prayer to revise his rating in the APAR for 2017-18 to '9' and to take other consequential steps.

2. We heard the applicant, who argued his case in person, and Ms. Esha Mazumdar, learned counsel for the respondents.

3. It is no doubt true that in the APAR for the year 2017-18, the Reporting Authority awarded 6.5 marks whereas the Reviewing Authority reduced it to 5. The APAR can be said to be complete and capable of being acted upon only when it is signed by the Accepting Authority. That is yet to take place. It is only when the Accepting Authority gives finality to the remarks, that the applicant would be in a position to make representation to the Competent Authority, for making necessary alterations. In a way, the OA is premature. At the

same time, the concerned authority cannot keep the matter in the state of uncertainty, for years together.



4. We, therefore dispose of the OA directing that:

- (a) The Accepting Authority of the applicant shall finalise the APAR for the year 2017-18, duly taking into account the observations made by the Reporting Authority and Reviewing Authority, on the one hand, and the plea raised by the applicant, on the other hand; within a period of four weeks from the date of receipt of a copy of this order; and
- (b) in case the applicant feels aggrieved by the APAR, after it is signed by the Accepting Authority as indicated, it shall be open for him to make representation to the Competent Authority, in accordance with law. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/ ankit/