

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application Nos. 9 and 10 of 1990

Date of decision: August 23, 1993

Shri Prafulla Chandra Sahoo ... Applicant

-Versus-

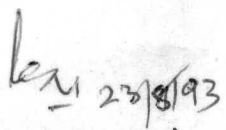
Union of India and others ... Respondents

(For Instructions)

1. Whether it be referred to the reporters or not? ^M
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? ^M


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

23 Aug 93


(K.P. ACHARYA)
VICE CHAIRMAN

10

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application Nos. 9 and 10 of 1990

Date of decision: August 23, 1993

Shri Prafulla Chandra Sahoo ... Applicant

-Versus-

Union of India and others ... Respondents

For the Applicant ... M/s Deepak Misra, R.N. Naik,
A. Deo, B.S. Tripathy,
Advocates

For the Respondents ... Mr. Uma Ballav Mohapatra,
Additional Standing Counsel
(Central).

C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (A).

J U D G M E N T

K.P. ACHARYA, V.C.

Since Original Application No. 10 of 1990 depends upon the result of the Original Application No. 9 of 1990, we have heard both these cases one after the other and we would direct that this common judgment would govern both these cases mentioned above.

2. Petitioner Shri Prafulla Chandra Sahoo in both the cases is now working as Deputy Regional Director. In the year 1988, Petitioner Shri Prafulla Chandra Sahoo was working as District

Vb

Savings Officer in the Office of the Regional Director, National Savings Government of India. The Petitioner earned certain adverse remarks in the Confidential Character Roll pertaining to the years 1987-88. This adverse remark is sought to be quashed.

3. We have heard learned counsel appearing for the Petitioner and Mr. Uma Ballav Mohapatra learned Additional Standing Counsel (Central) in both the cases.

4. Our firm view is that unless the adverse entry is manifestly perverse^e or illegal, no courts should interfere. It is the Reviewing Authority or the Reporting Authority who are competent to assess the performance of their officers. We are nobody. In the absence of any iota of evidence placed before us stating the grounds which are assessment could be held to be manifestly perverse, only bald assertion made by the Petitioner would not suffice. Therefore, we do not feel inclined to quash the adverse entry contained in Annexure-11. We would, however, give leave to the petitioner to make a representation to the competent authority and the authority may pass a reasoned order according to law. We express no opinion on this subject. Therefore,

✓

we find no merit in Original Application No.9 of 1990 which stands dismissed.

5. Next passing on to the case forming subject matter of Original Application No.10 of 1990. Prayer of the same petitioner Shri Prafulla Chandra Sahoo is to quash the minutes of the Departmental Promotion Committee held prior to 7th July, 1988 and it is further prayed for a direction to consider the cases of different incumbents including that of the petitioner for promotion to the post of Deputy Regional Director. The Petitioner was given the grade 'Average'. From the counter, it appears that the case of the petitioner was considered on the basis of the Confidential Character Roll maintained ^{for} five years prior to July, 1988. This certainly proves that the adverse entries were ^{not} communicated to the Petitioner vide letter No. ^{LA} P/C/DSO/4(14)81(P-II)/593 dated 11th July, 1988 contained in Annexure-1. Admittedly, the Departmental Promotion Committee ~~had~~ met prior to 7th July, 1988 and Confidential Character Rolls of the petitioner relating to such period, ~~having~~ ^{LA} been taken into consideration by the Departmental Promotion Committee. In our opinion, principles of natural justice have been violated. Therefore, we would direct that the case of the petitioner for promotion to the post of Deputy Regional Director be reconsidered after orders are passed by the Competent Authority on the

representation to be filed by the petitioner as indicated above.

6. Thus, both these applications are accordingly disposed of leaving the parties to bear their own costs.


MEMBER (ADMINISTRATIVE)
23 AUG 93


VICE-CHAIRMAN
23.8.93.

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty,
23.8.1993.