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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 260 of 1992.

Date of decision : December 24, 1992.

V.K. Naithani ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... In person.

For the respondents ... Mr. Ashok Mishra,
Senior Standing Counsel
(Central)

C O R A M

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

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JUDGMENT

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to order expunction of the adverse remarks finding place in the Annual confidential reports of the applicant for the year 1989-90 in the guise of advice, etc. for future purpose and to direct the respondents to give objective reflection of hard work done by the applicant and also orders be passed to mitigate the harassment and mental agony caused to the applicant by prolonging the case without any substance.

2. Shortly stated, the case of the applicant is that he joined the promotional post of Senior Field Officer at Aviation Research Centre, Charbatia on 28.2.1990. While serving as such the applicant was communicated with certain adverse remarks for the period 1989-90 vide Annexure-A-1. A detailed representation was filed by the applicant addressed to the Director, Aviation Research Centre. Though the adverse entry, "Aptitude for language" was expunged no specific orders were passed in respect of expunction of other adverse entries. The applicant again filed a representation as per Annexure-A-5 dated 6.12.1990. The applicant was then informed by Annexure-A-6 dated 26.3.1991 that those adverse remarks are only advisory, reformatory and corrective in nature for future guidance. The applicant again filed a representation vide Annexure-A-7 dated 4.4.1991 praying for expunction of those remarks said

V to be advisory etc. The applicant vide Annexure-A-8

dated 27.6.1991 was informed that no adverse remarks ^{as} remains in his confidential roll the question of expunction does not arise. The applicant made a further representation as per Annexure-A-10 which did not yield any fruitful result as per Annexure-A-11. Hence, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that adverse entries in the A.C.R. were expunged and all that remained in the A.C.R. was advisory, reformatory and corrective in nature. Therefore, those remarks do not warrant to be expunged.

4. I have heard Mr. V. K. Naithani, the applicant in person and Mr. Ashok Mishra, learned Senior Standing Counsel (Central) for the respondents.

5. Since the respondents have made categorical statement in the above mentioned annexures that there remains no adverse remarks against the applicant but the remarks sought to be expunged are only corrective and advisory in nature, I do not deem it fit and proper to order expunction. But at the same time I would state that since those remarks do not amount to adverse in nature, as maintained by the respondents, they should not be construed against the applicant while considering his promotion.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

*Int
b/c 24-12-92*

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VICE-CHAIRMAN

Central Admn. Tribunal,
Cuttack Bench, Cuttack.

December 24, 1992/Sarangi.

