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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 263 of 1993.

Date of decision : January 13, 1994.

Akuli Charan Samal ... Applicant.

Versus

Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?

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13.1.94
(K. P. ACHARYA)
VICE-CHAIRMAN.

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For the applicant ... Mr. Antaryami Rath,
Advocate.

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

C O R A M:

THE HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN

ORDER

K.P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the impugned report regarding his performance containing adverse remarks communicated to the applicant vide Annexure-1 dated 5.12.1991.

2. Shortly stated, the case of the applicant is that he is now functioning as Superintendent, Central Excise and Customs. Vide Annexure-1 dated 5.12.1991 a communication was made with the applicant conveying to him the opinion expressed by the competent authority regarding the performance of the applicant in his confidential character roll. The applicant comes with a case that the performance of the applicant assessed

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by the reporting authority and the reviewing authority are contradictory to each other and furthermore it is maintained by the applicant that such adverse entries have been made without any ^{basis} ~~stronghold~~.

In other words, the applicant means to say that the opinion expressed during the period mentioned above are not correct assessment of the performance of the applicant and hence, should be quashed.

3. On the other hand, it is maintained by the respondents that the reporting authority has correctly assessed the performance of the applicant which has been agreed to by the reviewing authority and such opinion expressed by both the authorities should not be unsettled - rather it should be sustained especially when the appeals preferred by the applicant to the appropriate authority have been rejected.

4. I have heard Mr. Antaryami Rath, learned counsel for the applicant and Mr. Ashok Mishra, learned Senior Standing Counsel(Central) for the respondents.

5. I have carefully gone through the contents of the confidential character roll relating to the applicant for the period from 1.4.1990 to 31.3.1991. Therein, it is stated that Shri Samal(meaning the applicant) is not up to date in law and Shri Samal is of average intelligence. His knowledge ⁱⁿ of law and procedure is just adequate. A little more care will avoid lot of unnecessary wastage of labour and efforts.



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But on the other hand, Shri Samal has been categorised as 'Good' so far as his quality of work is concerned. Regarding the promptness in attending to work though it is stated by the reporting officer that he is slow in output yet he has been categorised as good. Regarding the executive abilities displayed by the applicant the reporting Officer assessed that the executive ability is average and he takes initiative but at the same time the applicant has been categorised as good so far as the executive ability is concerned. The reviewing authority though agrees with the opinion of the reporting officer yet the reviewing authority assessed that the overall assessment of the performance of the qualities of the applicant is good. Keeping in view the discussions made above, I do not consider the recording of opinion by both the reporting officer and that of the reviewing officer in respect of the performance of the applicant to be in any way adverse and I am of further opinion that the ~~entries~~ in the confidential character roll of the applicant for the period mentioned above, should not be considered as adverse and it should not stand on the way of the applicant for consideration of his case for promotion and as such the communication made vide Annexure-1 is hereby quashed.

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

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Reported 13.1.94
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VICE-CHAIRMAN.