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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 504 of 2003
Cuttack, this the 11th day of April, 2005

Champai Singh Murni Applicant
Vs
Union of India & Others Respondents

FOR INSTRUCTIONS

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


(B.N. SASMAL)
VICE-CHAIRMAN

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Original Application No. 504 of 2003
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CORAM :

HON'BLE SHRI B.N.SQM, VICE-CHAIRMAN

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Shri Champai Singh Munri, aged 48 years, S/o. Late Purumi Singh Munri, Village- Labanyadeipur, P.S.-Sarat, Dist.-Mayurbhanj. At present working as Senior Accountant in the Office of the Accountant General (A & E), Orissa, Bhubaneswar.

..... Applicant.

By the Advocates - M/s. Sarojananda Misra-1,
Bhubaneswar Dash, Bhubanananda Misra, Nandakishore Das.

VERSUS

1. Union of India represented by the Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi-110002.
2. Accountant General (A & E), Orissa, Bhubaneswar-751001.
3. Deputy Accountant General (Admn), Office of the Accountant General (A & E), Orissa, Bhubaneswar.
4. Senior Accounts Officer (Admn), Office of the Accountant General (A & E), Orissa, Bhubaneswar.

..... Respondents

By the Advocate - Mr. B.Dash(ASC For R-1to4).

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ORDER

SHRI B.N.SQM, VICE-CHAIRMAN

Shri C.S.Mugri, at present working as Senior Accountant in the Office of the Accountant General (A & E), Orissa, Bhubaneswar has filed this O.A. being aggrieved by the adverse remark recorded in his CCR for the year 2001-02. He has approached this Tribunal with a prayer to issue direction to the Respondents for expunction of the adverse remark communicated to him vide Annexure-A/3.

2. The case of the applicant is that he was entrusted with the settlement of GPF final payment cases of the retired Govt. servants as also for disposal of correspondences relating to this work and he was paid honorarium for disposing of final payment cases over and above his quota of output. He has assailed the action of the Respondents on the ground that adverse remark was recorded in his CCR without giving him any warning or admonition during the period under report in contravention of the instructions of the Government dated 27.1.55 (copy of the order not enclosed); that adverse remark should be expunged if it is found that the remark is entirely incorrect or unfounded, in terms of the D.P. and A.R.O.M. No. 51/5/72-Ests (Admn), dated 20.5.72 (copy not enclosed). He further submitted have that the Respondents/acted in violation of the procedure laid down in this regard, in terms of Wednesbury principles. Hence, action is liable ~~for~~ judicial review.

3. The Respondents have opposed the application and

have stated that it is not maintainable on the facts of the case. They have averred that the applicant has failed to give his output in terms of the norms laid down for disposal of settlement of GPF final payment cases of retired State Government employees and disposal of letters received from GPF subscribers/concerned departments for the period from 1.4.01 to 31.3.02. In support of their contention they have averred that he had received 41 GPF final payment cases and 19 admission letters (received upto January, 2002) which were required to be disposed of by him. According to the norms, one Accountant/Sr. Accountant is required to dispose of 20 final payment cases during a month. As he failed to dispose of cases according to the norms laid down, a memo dated 13.3.02 was served on him calling for an explanation to state reasons for unusual delay in disposal of the cases in question. It is the applicant who by his representation dated 18.3.03 had stated that he had disposed of 4 cases out of 41 final payment cases and the remaining 37 cases had been put up to the concerned Section Officers. But the same statement was found to be not in confirmity with the data available in official record which disclosed applicant's lack of honesty and devotion to duty. As the remaining 37 final cases had remained unattended, those had to be distributed among other staff of the concerned section as per Annexure-R/A to the Counter. This deficiency in discharge of his duty/in his work was only recorded by the Reporting Officer in his CCR, and, therefore, there can not be any grievance on this ground. They further submitted that the adverse remark

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was communicated to the applicant as per rules on 17.6.02 vide Annexure-A/3 to which he preferred a representation to the competent authority i.e., Sr. Deputy Accountant General (Fds) which was subsequently forwarded to the Group Officer being the next higher authority alongwith relevant documents for consideration of the applicant's representation. After careful consideration of his representation dated 2.7.02 with reference to the relevant records, the Sr. Deputy Accountant General (Fds) / Group Officer observed that the adverse remark recorded in his CCR was neither incorrect nor biased as alleged by the applicant in his representation and hence ordered that the adverse remark in the applicant's CCR would stand. The said order was communicated to him on 9.9.02 (Annexure-A/5). The applicant again represented to the appellate authority on 25.9.02 which was considered and rejected by the said authority by his order dated 11.12.02 (Annexure-A/7).

4. I have heard the Ld. Counsel for rival parties and have perused the records placed before me.

5. The applicant's grievance is that adverse remark ^{lack of} relates to his/promptness in disposal of cases. But the Reporting Officer made a remark in his CCR which was not based on records. If any adverse remarks is made either incorrectly or without basis, it is liable to be set aside, he submitted. There could be no disagreement with this legal position. But the fact of the matter is as the Respondents have stated that the Reporting Officer has remarked that the applicant did not show such promptness in disposal of cases (as much as is expected

of him) as per the norms set for the Accountant/Sr. Accountant of the Respondent. By presenting hard facts and figures, the Respondents have submitted that towards the end of financial year 2001-02, as many as 37 final payment cases were found pending with the applicant as on 18.3.03. As a result of which not only he was given admonition, those cases were distributed among his other colleagues to salvage the situation. The Respondents by filing a document at Annexure-R/2 have sought to establish the truthfulness of the allegation made by them against the applicant. The applicant has not been able to refute the facts contained at Annexure-R/2.

6. In the above facts and circumstances of the case it can hardly be disputed that the applicant had 37 final payment cases pending with him at the end of the financial year 2001-02. In the face of such incontrovertible statement of facts the application is hardly sustainable. An official who causes delay in settlement of final payment cases hardly deserves any consideration. In fact he deserves more severe action for his correction/redemption.

7. In view of the above discussion, I see no merit in this O.A., which is accordingly disposed of. No costs.



(B.N.SGM)
VICE-CHAIRMAN