

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 432/2007

Tuesday this the 17<sup>th</sup> June 2008

C O R A M:

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

Valsamma John, Aged 39 years, D/o S.John,  
Accountant, Integrated Fisheries Project,  
Kochi - 16.

Applicant.

(By Advocate Mr.P.Ramakrishnan)

Vs.

- 1 The Director, Integrated Fisheries Project, Kochi-16.
- 2 The Superintendent, Integrated Fisheries Project, Kochi-16.
- 3 Accounts Officer, Integrated Fisheries Project, Kochi-16.

Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC)

The O.A having been heard on 17.6.2008 and the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant's grievance is against Annx.A1 Memo dated 21.11.06 by which the following adverse remarks in the ACR for the year 2005-06 have been communicated to her for information and guidance by the 1<sup>st</sup> respondent, namely the Director, Integrated Fisheries Project, Kochi.


- |   |                           |  |
|---|---------------------------|--|
| 1 | Maintenance of Registers  | : Not proper   |
| 2 | Amenability to discipline | : Not disciplined  |
| 3 | Grading                   | : Average  |
| 4 | Assessment                | : Not disciplined, neglected the instructions of the superior officers and also disobedient. |




She is also aggrieved by Annx.A3 Memo dated 30.5.2007 issued by the same authority informing that her representation against the aforesaid adverse remarks in the ACR have been examined in detail by the then superior officer and the Competent authority had clarified that those adverse remarks were based on established facts and there are no sufficient grounds to expunge the remarks from the ACR and the same will be retained in the ACR during the year 2005-06.

2 The main contention of the applicant was that the same authority namely the 1<sup>st</sup> respondent have communicated the adverse remarks in the ACR to the applicant as well as considered the representation against the adverse remarks. According to the counsel for the applicant such an action by the 1<sup>st</sup> respondent is against the principles of natural justice and consideration was only an empty formality. He further contended that the applicant was never advised by any authority at any point of time during the period under report about the maintenance of registers and amenability to discipline. He has also contended that the applicant's representation was bound to be considered by the respondents within three months, as per the instructions issued in this regard.

3 The respondents have filed reply controverting the contentions of the applicant and submitted that the 2<sup>nd</sup> and 3<sup>rd</sup> respondents, namely, Superintendent, IFP, Kochi and Accounts Officer, IFP, Kochi, were the Reporting and Reviewing Officer in respect of the applicant. The adverse remarks have been recorded in the applicant's ACR by the 2<sup>nd</sup> respondent and it was reviewed by the 3<sup>rd</sup> respondent. The 1<sup>st</sup> respondent has only communicated those adverse remarks to the applicant. Again it was the competent authority which has considered the applicant's representation against the adverse entry in the ACR and the 1<sup>st</sup> respondent has merely communicated the decision of the Competent Authority and therefore, there is no violation of the principle of natural justice. As regards the contention of the applicant that she was not given any warning before the adverse remarks were recorded in her ACR, the counsel for the respondents submitted that on several occasions the Reporting Officer has orally warned the applicant for her improper maintenance of the Registers and her indisciplined manners. As regards the time frame for disposal of the representation, the respondents' counsel submitted that the applicant herself did not put any date in her representation and in any case the Annx.A1 Memorandum was issued on 21.11.06 and the representation of the applicant was disposed of on 30.5.07 vide Annx.A3 Memo and there is no inordinate delay in the disposal of the representation.



4 I have heard the learned counsel for the parties and perused the records. The applicant in her representation has not stated anywhere that she has been maintaining the records properly or ~~not~~ performing her duty in a disciplined manner. The only answer given by her was that she was not advised earlier or issued any Memo at any point of time before the adverse remarks were recorded. The applicant is not a fresher in the respondent department. She joined service as a Lower Division Clerk and got promotion to the level of Accountant. It is expected from the applicant that she should maintain the Registers properly and she should be amenable to discipline of the office. I, therefore, do not find any merit in her contention that her representation was not considered properly by the competent authority. In this view of the matter, I consider that this OA is devoid of any merit and it is dismissed. No order as to costs.

  
(George Parackern)  
Judicial Member

kkj