

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 462 of 2004

Thursday..., this the 7th day of December, 2006

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

A. Purushothaman,
S/o. T.K. Ayyasamy,
Section Engineer /Permanent Way/
Special Works / North,
Southern Railway, Salem,
Reslding at No. 408, E-1,
Chinnappa Chettiar Colony,
Suramangalam, Salem - 5,
Tamil Nadu. ... Applicant.

(By Advocate Mr. T C GovIndaswamy)

v e r s u s

1. Union of India, represented by
The General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai - 3
2. The Chlef Engineer,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai - 3
3. The Divsional Railway Manager,
Southern Railway, Palghat Division,
Palghat
4. Shri A. Bhaskaran,
Executive Engineer/Track Modernisation,
Office of the Chief Engineer
Southern Railway, Headquarters Office,
Park Town P.O., Chennai - 3
5. The Assistant Divsional Engineer/North,
Southern Railway, Salem Junction,
Salem, Tamil Nadu. ... Respondents.

(By Advocate Mr. Sunil Jose)



ORDER
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

The controversy involved in this case lies within a narrow compass. The applicant is aggrieved by the rejection of his representation against the adverse remarks recorded in his ACR for the year ending 31.3.2003. No reasons have been specified while so rejecting the representation.

2. Not much of details are required to adjudicate this O.A. A comparative statement of the past records with the records for the year ending 31.3.2003 would be sufficient to give an indication whether the adverse remarks recorded for the year in question appears to be correct or otherwise. The same is as under:

S.No.	Description	2003	2002	2001	2000
1	Tact and Temper	Need Improvement	Satisfactory	Very Good	Good
2	Knowledge of Rules, Regulations and Procedure	Need Improvement	Good	Sufficient	Sufficient
3	Is his road in good order and tidily kept	Need Improvement	Yes	Yes	Yes
4	Does he control and supervise his labour properly and is he economical	Need Improvement	Yes	Yes	Yes
5	Has any relaying, resleepening or renewals been done, and if so, were they carried out carefully, satisfactory and economically?	Not satisfactory. TSR 3/0-5 sparing not ensured. Welding Work is not maintained	Yes	Yes	Yes, Carried out carefully, satisfactorily & economically

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S.No.	Description	2003	2002	2001	2000
6	Is his technical knowledge such as would be expected from one of his rank	Need Improvement	Sufficient	Sufficient	Sufficient
7	Capacity to take decision on matters within his competence	Below Average	Good	Very Good	Very Good
8	Willingness to shoulder higher responsibility	Below Average	Good	Very Good	Very Good

3. From the above, it is evident that in the past three years the reports have been either 'Good' or 'Very Good' and assessments in respect of all the entries had been highly positive. It may be seen from the 'description' of the statement that each and every item will get embellished by gaining experience and if at all there is any decline in the mercury level it can be only marginal, say one stage (from 'very good' to 'good' or 'good' to 'average'). Such is not the case here. The words "need improvement, not satisfactory and below average" recorded for the year ending 31.3.2003 are far below the assessment in respect of earlier years. Such a sudden decline does not appear to be logical and same shows that the reporting officer has fixed the target of diluting the report in respect of the applicant and thus the adverse remarks, not being in the form of logical assessment, recorded in the ACR of the applicant for the year ending 31.3.2003 are liable to be expunged.



4. In view of the above, the O.A. is allowed. The adverse remarks recorded in the ACR for the year ending 31.3.2003 are expunged and the authorities should not consider these adverse remarks while considering the applicant for higher promotion. If in the past, the case of the applicant for promotion has been considered keeping in view the adverse remarks recorded, the same calls for review by Departmental Promotion Committee which shall review the case of the applicant without taking into account the adverse remarks and the respondents shall act on the basis of the recommendations by the review DPC. This direction shall be complied with within a period of three months from the date of communication of this order and necessary orders be passed accordingly.

5. There shall be no order as to costs.

(Dated, 7th December, 2006)



K B S RAJAN
JUDICIAL MEMBER

CVR.