

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.583/2001.

Friday, this the 29th day of August 2002.
CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

N.S.Viswanathan, Lower Division Clerk,
Naval Aircraft Yard, Naval Base,
Cochin-4.

Applicant

(By Advocate Shri M.A.Shafik)

Vs.

1. Union of India represented by
Secretary to the Government of India,
Ministry of Defence, New Delhi.
2. The Flag Officer Commanding in Chief,
Southern Naval Command, Naval Base,
Cochin-4.
3. The Commodore Superintendent,
Naval Aircraft Yard, Naval Base,
Cochin-4.
4. The Manager (Materials)
Naval Aircraft Yard, Naval Base,
Cochin-4.

Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 29th August, 2002,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant a Lower Division Clerk in the Naval Aircraft
Yard, Naval Base Cochin was served with adverse entries in the
ACR for the period from 1st April 1999 to 31st March, 2000. The
entries which were adverse are as follows.

(a) Proficiency in typing	: Below average ability in typing and commits so many mistakes.
(b) Professional or Theoretical Knowledge of trade	: Average knowledge in trade/Profession
(c) Promptness in disposal of work	: Not prompt in work
4. Industry and keenness	Not much keen in work

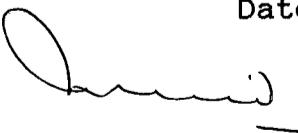
Aggrieved by that the applicant made a representation (A-4) on 17.5.2000 to the 3rd respondent. By A-2 order dated 26.6.2000 the 3rd respondent refused to interfere. Aggrieved by that the applicant submitted an appeal A-5 dated 11.7.2000, but, as it was submitted after the time granted was not considered. Therefore, the applicant has filed this O.A.1066/00 which was disposed of with a direction to the 2nd respondent to forward the A-5 representation to the first respondent. In obedience to the above direction the A-5 representation was forwarded and the impugned order A-1 dated 7.12.2000 was issued again confirming the adverse entries. Therefore, the applicant has filed this application seeking to set aside the impugned orders A1, A2 and A-3.

2. In the reply statement, the respondents contend that the adverse entries have been made in accordance with the rules that the applicant have been warned previously on several occasions. The respondents have also produced R-1 to R-5 to substantiate the contentions made.

3. On a careful scrutiny of the material placed on record and on hearing the learned counsel on either side we find no justification to interfere with the impugned orders. It is evident from R-1 to R-5 that the applicant had been on many previous occasions warned and given minor penalties. The entries made in the ACR are fully justified in the light of the material available.

4. In the light of what is stated above, we do not find any merit in this application and the same is dismissed. No costs.

Dated the 29th August, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1: True copy of the Order CS/2681 dated 7.12.2000 issued by the 2nd respondent.
2. A-2: True copy of the Order No.268/6/3 dated 26.6.2000 issued by the 3rd respondent.
3. A-3: True copy of the Order No.438/15 dated 25.4.2000 issued by the 4th respondent.
4. A-4: True copy of the representation dated 11.7.2000 submitted before the 3rd respondent.
5. A-5: True copy of the representation dated 11.7.2000 submitted before the 2nd respondent.
6. A-6: True copy of the order No.268/6/3 dated 3.8.2000 issued by the 3rd respondent.
7. A-7: True copy of the judgement dated 10.10.2000 in OA 1066/2000 of this Hon'ble Tribunal.
8. A-8: True copy of the Order No.125/2001 dated 10th October, 2001 issued by the Commodore Superintendent, Naval Aircraft Yard, Kochi-4.
9. A-9: True copy of the communication dated 14.8.2000 sent by the Southern Naval Command Civilian Employees Organisation to the Flag Officer Commanding-in-Chief.
10. A-10: True copy of the letter dated 10th February, 2000 submitted by the applicant to the Commodore Superintendent.
11. A-11: True copy of the Memorandum dated 18.9.98 submitted by the Southern Naval Command Civilian Employees Organisation to the Sub Committee of Parliamentary Committee for Defence.

Respondents' Annexures:

1. R-1: True copy of the warning record of the applicant.
2. R-2: True copy of the letter No.272/6/725(Discip) dated 28.2.2000 issued by the Lt.Commander, Manager (Administration), Naval Aircraft Yard, Kochi.
3. R-3: True copy of the letter No.272/7/726(Discip) dated 24.3.2000 issued by the Commodore, Naval Aircraft Yard, Kochi.
4. R-4: True copy of Naval Headquarters letter No.CP(L)/4035/A dated 4th August 1979 issued by Director of Civilian Personnel.
5. R-5: True copy of Naval Headquarters letter No.CP(L)/4035 dated 1st December, 1980.

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