

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.131/2001.

Thursday this the 18th day of April 2002.

CORAM:

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

M.Rasheed, SC No.15065,
Assistant Accounts Officer, LPSC,
Valiamala, Thiruvananthapuram. Applicant

(By Advocate Shri Sasidharan Chempazhanthiyil)

VS.

1. Accounts Officer II, MVIT/PSLV,
Vikram Sarabhai Space Centre,
Indian Space Research Organisation P.O.,
Trivandrum-22.
2. S.Chandrachoodan Pillai,
Accounts Officer (Retd.)
Aswathy, TC 7/1918, Karavila Road,
Pangode, Trivandrum-6.
3. Head, Accounts and Internal Financial
Advisor, G&P, Vikram Sarabhai Space Centre,
Indian Space Research Organisation, P.O.,
Trivandrum-22.
4. Director, Vikram Sarabhai Space Centre,
Indian Space Research Organisation P.O.,
Trivandrum-22.
5. Union of India, represented by its
Secretary, Department of Space,
Bangalore-94. Respondents

(By Advocate Shri C.N.Radhakrishnan (R.1,3,4 & 5)

The application having been heard on 18th April 2002 the Tribunal on the same day delivered the following:

ORDER

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

Shri M.Rasheed, Assistant Accounts Officer, LPSC, aggrieved by the adverse entries in his ACR for the year 1999 communicated by the 3rd respondent (A1), Annexure A3 communication from Head PGA directing the applicant to submit specific points in representation and the Annexure A5 order of the 4th respondent refusing to expunge the adverse

remarks, has filed this application seeking to set aside these three orders and for a direction to the respondents to consider the applicant for promotion to the post of Accounts Officer in the DPC scheduled to be held in February 2001 without taking into account the adverse entries (A1).

2. It is alleged in the application that the applicant had a blemishless track record of 23 years of service, that the reporting officer the first respondent who has been impleaded in his personal capacity as 2nd respondent out of ill-will towards him for two years viz., that he did not agree to tarnish the ACR of Smt. Jessy and (2) that he had objected to the LTC Bill submitted by the 2nd respondent and that the representation submitted by the applicant has not been considered in the light of real facts. It is also alleged that the adverse entries have been made without any factual support. With these allegations the applicant seeks to have the impugned orders A1, A3 and A5 set aside.

3. The respondents in their reply statement and the additional reply statement seek to justify the impugned orders. It is alleged that the failure of the applicant in clearing the Bills were brought to his notice that his general behaviour towards other staff were not cordial and that the entries were made only with a motive of correcting the applicant's performance and behavior. The allegations that the 2nd respondent had any reason for ill will towards the applicant is refuted and it has been stated that the story of the applicant objecting to LTC Bill submitted by the 2nd respondent is concocted as the applicant has not worked under the 2nd respondent for the period in question.

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4. I have gone through the entire pleadings and material placed on record. The applicant assails the adverse entries against him on the ground that the 2nd respondent, the reporting officer was nurturing an ill-will towards him for the reason that he did not agree to the latter's suggestion to make adverse entry in the ACR of Smt. Jessy and that the 2nd respondent was aggrieved by the applicant's objecting to the LTC bill presented by him.

5. A scrutiny of the representation made by the applicant in reply to the Annexure A-1 as also the improved representation (A-4) show that no specific reason for the 2nd respondent to be inimical towards the applicant had been made. The story of the applicant refusing to agree to make adverse entry in the ACR of Smt. Jessy and the objection to the LTC Bill, therefore, can be taken only as an afterthought. I, therefore, do not find any bonafide in the above allegations. Secondly, against the 3rd respondent the applicant has not made any allegations of malafides. Adverse entry in the ACR was made by the 3rd respondent of course agreeing to what has been reported by the first respondent. The respondents have produced Annexures R-1(a) and R-1(b) to substantiate that there has been delay on the part of the applicant in clearing the Bills and that Memo has been issued to the applicant in that regard. Regarding the general conduct of the applicant including his temperamental behavior towards other members of the staff, the 3rd respondent has agreed with the opinion of the reporting officer. I am of the considered view that unless there is proof of malafides intention to destroy the career of the officer reported upon, judicial

intervention in the matter of adverse entries, is not justified. Entries in the ACR are made with a view to maintain required standard of performance and image among the officers. A certain amount of trust has to be reposed in the officers who are entrusted with the task of reporting and reviewing. Unless there is evidence to show that this trust has been betrayed, judicial intervention is not at all justified. In the instant case, I do not find any justification for interference with the impugned orders.

6. In the light of what is stated above, I do not find any merit in this application and therefore, the application is dismissed leaving the parties to bear their own costs.

Dated the 18th April, 2002.


A.V.HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of memo No.VSSC/ACCTS/HA/43-A/00 dated 2.5.2000 of the 3rd respondent.
2. A-2: True copy of the representation dated 21.7.2000 to the 4th respondent.
3. A-3: True copy of the memorandum No.VSSC/HPGA/ACR/2000 dated 7.9.2000 of the 4th respondent.
4. A-4: True copy of the representation dated 20.9.2000 to the 4th respondent.
5. A-5: True copy of memorandum No.VSSC/EST/H-1/2 dated 4.12.2000 of the 4th respondent.
6. A-6: True copy of the self assessment as part of the confidential report for the year 1999.
7. A-7: True copy of the form 89 (confidential report) in blank.
8. A-8: True copy of the status reports for the year 1999 (from January to December).

Respondents' Annexures:

1. R-1(a): Copy of letter dated 27.03.98 containing status of purchase files pending with the applicant as on 3.6.98.
2. R-1(b): Copy of memorandum dated 1.10.99 issued by the 3rd respondent.
3. R-1(c): Copy of memorandum dated 22.5.2000 issued by the 3rd respondent.

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