

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.600/88

Surendra Prasad,
Social Worker Instructor
in the office of the
Director,
Family Welfare Training &
Research Centre,
I.I.P.S.Compound,
Govandi Station Road,
Deonar,
Bombay - 400 088.

.. Applicant

vs.

1. The Secretary(Estt.III),
Ministry of Health &
Family Welfare,
Nirman Bhavan,
New Delhi - 110 011.

2. Director,
Family Welfare Training &
Research Centre,
I.I.P.S. Compound,
Govandi Station Road,
Deonar,
Bombay - 400 088.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,Vice-Chairman

Appearances:

1. Mr.M.A.Mahalle
Advocate for the
Applicant.
2. Mr.A.I.Bhatkar
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 27-6-1991
(Per U.C.Srivastava,Vice-Chairman)

The applicant who is working as Social Worker Instructor in the office of the Director,Family Welfare Training & Research Centre at Bombay has approached the Tribunal to expunge the adverse remarks in the Annual Confidential Report for the Calendar Year 1985, 1986 and 1987, after failing to get any relief from the department.

2. The respondents have opposed the application. According to them as far as adverse remarks for 1985/1986 is concerned the same has become barred by limitation as the representation against the same has been rejected and the applicant had waited for more than a year.

3. Regarding 1986 it has been stated that no representation was made by the applicant and for subsequent years also whatever representation he made the same was considered and has been rejected. No date of the rejection was mentioned in the written reply nor the date of communication of the same has been given.

4. So far as the representation for the year 1985 is concerned the same was considered and rejected. The contention of the respondents in this behalf that the case has become barred by limitation is justified. Consequently the applicant's plea in respect of 1985 cannot be considered.

5. Regarding 1986 it has been stated that no representation was made by the applicant and it was more or less in the nature of a query it was made. The applicant on 14th April, 1987 certain questions were put by the applicant regarding the adverse remarks communicated to him and in the end he requested that the above mentioned information may be supplied to him as soon as possible so as to enable him to represent against the A.C.R. He failed to get any reply. Thereafter on 15th May, 1987 it was stated by him that it can be assumed that office has nothing to say in this regard as such the memo in reference may kindly be withdrawn forthwith. It can be stated that these two together were in the nature of representation and the respondents are bound to consider as ultimately a prayer was made that the memo may be withdrawn. The contention that there was no representation for the year 1986 thus not conceivable.

6. Regarding 1987 it appears that representation was not considered and ~~only~~ ~~excursory~~ it has been stated in the written statement that the representation has been

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rejected.

7. So far as the ACRs are concerned it is very valuable in a person's service tenure as future depends on the entries given in the character roll. As such the matter of entry are to be give carefully and the representations in this behalf are also to be considered impartially and the grievances of the party should also be considered. It appears that in this case the grievance of the applicant and pleas which has been raised by him against the ACR were not considered.

8. Accordingly we direct the respondents shall consider the representation of the applicant for the year 1986 onwards taking into consideration the pleas and grievances raised by him and thereafter consider the entry. In case they found that the entries are to be expunged wholly or partially the same may be done. But it is desirable that as far as possible in case the file may contain reasons though the same may not be conveyed to the applicant.

9. With this above observation this application is disposed of. Let his representation against adverse remarks from 1986 onwards be disposed of within a period of three months from the date of receipt of a copy of this order in accordance with the directions given above. There will be no order as to costs.



(U.C. SRIVASTAVA)
Vice-Chairman