

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

O.A. No. 404/88

198

XXXXXX

DATE OF DECISION 19.8.91

Joseph Cherian

Petitioner

Mrs. P.R.Shetty

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr.V.M.Bendre

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. U.C.Srivastava, Vice-Chairman

The Hon'ble Mr.M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

MGIPRRND-12 CAT/86-3-12-86-15,000

  
 ( U.C.Srivastava )  
 V/C

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY  
\* \* \* \* \*

Original Application No. 404/88

Joseph Cherian  
ULC/DB.  
Ordnance Factory,  
Varangaon

... Applicant

v/s

Union of India & Ors. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava  
Hon'ble Member (A), Shri M.Y.Priolkar.

Appearances:

Mrs.P.R.Shetty, Advocate  
for the applicant and  
Mr.V.M.Bendre, Advocate  
for the respondents.

ORAL JUDGEMENT:

Dated : 19.8.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicant who is an employee of the Ordnance Factory, Varangaon is challenging the so called adverse entry given to him in his Annual Confidential Report for the year ending 1.1.85 to 31.12.85, 1.1.86 to 31.12.86 and 1.1.87 to 31.12.87. According to the applicant because of his participation in Union activities the adverse entries have been given to him. His grievance is that the adverse entries have been communicated to him after a long time and his representations against the same have been rejected. The entry in the year 1985 was:

- "1. Self Reliance : Self Reliant
- 2. Sobriety : Temperate

At the same time, the following shortcomings are noticed:

- 1. Keenness and energy : Average
- 2. Organising ability : Average
- 3. Thoroughness : Average

Grading : Good"

Next year, 1.1.86 to 31.12.86 the entries were:

"1. Organising ability : Average  
 2. Reliability : Average  
 3. Thoroughness : Average  
 4. Tack : Average  
 5. Grading : Fair"

Third year, 1.1.87 to 31.12.87 the entries were:

"1. Personality : Average  
 2. Keenness & Energy : Average  
 3. Organising ability : Average  
 4. Thoroughness : Average  
 5. Grading : Fair"

General Remarks : You are wasting more time in activities other than Govt. work. Your nature is more of fault finding about other employees than improving your self. You are reluctant in maintaining discipline."

So far as the entries of first two years were concerned the same cannot be termed as average merely because under the heading of the sametime following shortcomings are noticed that would not make the entry of average or poor to be adverse except that the applicant was only cautioned. So far ~~as~~ as the third year is concerned undoubtedly in the remarks column adverse entries have been given. The entries which were so given only deals with the facts as they were noticed and we have not been able to get any ground on which the entry could be set aside or the respondents could be directed to consider the matter again. With the above observations the application is dismissed. There will be no order as to costs.

  
 ( M.Y. Piroikar )  
 Member (A)

  
 ( U.C. Srivastava )  
 Vice-Chairman