

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

6 FEB 1989

APPLICATION NO (x) 983 /88(F)

W.P. NO (S) _____

Applicant (x)

Shri N.K. Narayankar
To

1. Shri N.K. Narayankar
Telecom District Engineer
Karwar
Uttara Kannada District
2. Shri M.R. Naik
Advocate
47, 6th Cross, Gandhinagar
Bangalore - 560 009
3. The Member (TP)
Telecom Board
Sanchar Bhavan
New Delhi - 110 001

Respondent (s)

V/s The Member (TP), Telecom Board, New Delhi & another

4. The General Manager
Telecommunications
Karnataka Circle
Maruti Complex
325, V Main, Gandhinagar
Bangalore - 560 009
5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAY/INTERIM ORDER
passed by this Tribunal in the above said application(x) on 3-2-89.

Encl : As above

Par. Member of
DEPUTY REGISTRAR
(JUDICIAL)

*affixed
K. N. Gopinath
1-2-89*

9/c

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE**

DATED THIS THE THIRD DAY OF FEBRUARY 1989

Present : Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NUMBER 983/88 (F)

N.K. Narayankar,
Telecom District Engineer,
Karwar.

... Applicant

(Shri M.R. Naik ... Advocate)

v.

Member (TP),
Telecom Board,
Sanchar Bhavan,
New Delhi.

The General Manager,
Telecommunications,
Karnataka, Maruti Complex,
325, V Main, Gandhinagar,
Bangalore.

... Respondents

(Shri M.S. Padmarajaiah ... Advocate)

This application has come up today before this Tribunal for Orders. Hon'ble Shri P. Srinivasan, Member (A), made the following:

ORDER

In this application, the applicant who is currently working as Telecom District Engineer (TDE) at Karwar is aggrieved with certain adverse remarks recorded in his Confidential Record (CR) for the year 1985-86 conveyed to him by letter dated 5.5.1986 addressed to him by the General Manager Telecom, Bangalore (GM), (Respondent 2). He made a representation against these remarks which was rejected by the Member (TP), Telecom Board, New Delhi (Respondent 1) and the said rejection was conveyed to the applicant along with letter dated 23.7.1987 addressed to him by the Director Telecom, Mangalore. The applicant is aggrieved with this order of rejection also.

P. Srinivasan

2. Shri Madhusudan Naik, learned counsel for the applicant, submitted in the first place that the Member, Telecom Board, was not the competent authority to deal with the representation of the applicant and so the order passed by him rejecting the representation of the applicant was illegal and void. He invited my attention to the table printed at page 56 of Swamy's Compilation of P&T Manual (Volume III) corrected upto 1st May 1981, titled "Disciplinary Rules" ("Swamy's Compilation" for short) indicating as to who were the reporting and reviewing officers for different grades of gazetted officers listed therein. The said table is headed "MINOR CIRCLES". Item 11 of the table refers to officers of TES Grade A (Senior Scale), to which the applicant belongs, in respect of whom the reporting officer is the Director, Post and Telegraph and the Reviewing Authority is the Member, P&T Board. The Reviewing Officer in the applicant's case was, therefore, the Member, P&T Board. That being so, the Member, Telecom Board, who is ~~the~~ of the same rank as the Member, P&T Board, listed in the aforesaid table could not have disposed of the applicant's representation; only an officer of a higher rank than the Member could have done so. Therefore, the impugned order of the Member, Telecom Board, communicated to the applicant along with the letter dated 23.7.1987 of the Director, Telecom, Mangalore, should be struck down as illegal and invalid.

3. Shri M.S. Padmarajaiah, learned counsel for the respondents, contended that the table at page 56 of Swamy's compilation upon which Shri Naik has relied has no application to the present case. That table related to officers working in

P. S. I. K. S.

Minor Circles. The Telecom Department in the country is divided into major and minor circles. A Major Circle is headed by a General Manager who is equal to the Post Master General (PMG) on the postal side, while a minor circle is headed by a Director. In respect of senior scale TES Group A officers working in Minor Circles, the Director, P&T Department - the Director, Telecom Board in a telecom circle - is the Reporting Officer and the Member, P&T Board is the Reviewing Officer as per the table on page 56.

The applicant was at the material time working as Divisional Engineer (later redesignated as Telecom District Engineer - "TDE" for short), a senior scale group A post, at Karwar, which fell under the Karnataka Circle which was a Major circle headed by a GM at the time and now by a Chief General Manager. The table showing the the reporting and reviewing officers in respect of gazetted officers working in Major circles appears at page 55 of Swamy's compilation. Item 15 of that table shows that the reporting and reviewing officers in respect of a Divisional Engineer, Telegraphs, were respectively the Director and PMG. Therefore, the reviewing Officer for the applicant was the GM, Telecom, Bangalore, who was of the rank as the PMG on the postal side. As a matter of fact, the CR for 1985-86 of the applicant was written by the Director, Telecom, Mangalore, Shri K.B.Kamat and reviewed by the GM, Telecom, Karnataka Circle, Bangalore, Shri Luke Vydhian. The Member, Telecom Board, being a superior officer to the GM, Telecom, rightly considered the representation of the applicant against the adverse remarks for the year 1985-86 and there was no illegality vitiating his order.

P. S. G. S.

4. After careful consideration I agree with Shri Padmarajaiah that so far as the applicant was concerned, the Member, Telecom Board, was the competent authority to deal with the applicant's representation against the adverse remarks in his CRs. I must accept Shri Padmarajaiah's statement that the Karnataka Circle in which the applicant was working at the material time was a Major Circle headed by a GM. The Director Telecom, Bangalore, under whom the applicant was working did not head a Circle but only the Mangalore area of the Karnataka Circle. That being so, the reporting and reviewing officers in respect of the applicant were, as found at page 55 of Swamy's compilation, the Director, Telecom, Mangalore and the GM, Telecom, Bangalore. The Member, Telecom Board, New Delhi, is an officer superior in rank to the GM, Telecom, Bangalore, and, therefore, he was competent to deal with the representation of the applicant against the adverse remarks. The contention of Shri Naik that the order passed by the Member, Telecom Board, rejecting the applicant's representation was an invalid order is, therefore, rejected.

5. The next point urged by Shri Naik was that the order of the Member, Telecom Board, rejecting the applicant's representation was not a speaking order and as such it should be held to be an invalid order. The adverse remarks made against the applicant was that his relations with Group B officers were not cordial, that he delayed implementation of transfers on bifurcation of the Division and that his

R. Srinivas

relations with subordinate officers were also bad. The applicant had made a detailed representation setting out the relevant facts to show that there was nothing wrong with his relations with Group B officials, that there were valid reasons for delay in implementing transfers and that his relations with his subordinates were not such as to invite adverse comment; on the contrary, the performance of his division was in every way excellent deserving a positive compliment in the confidential report. Instead of dealing with these contentions and giving a considered decision on each one of them after ascertaining the correct facts, the Member, Telecom Board, had, rejected

the representation without assigning any reasons for doing so. The Principal Bench of this Tribunal had, in HARIDEV GOEL V. UNION OF INDIA 1988(1) ATR 145, held that a representation against an adverse remark in the CR should be disposed of by the authority concerned ^{by} ~~with~~ a speaking order. In 1984 SCC 173 AMAR KANT CHOUDHRY V. STATE OF BIHAR AND OTHERS the Supreme Court had gone to the extent of observing that before recording adverse remarks the reporting officer himself should give a reasonable opportunity of being heard to the officer reported upon. If that be so, the minimum that the appellate officer should have done in disposing of the applicant's representation against adverse remarks was to write a speaking order dealing with every point raised in the representation. The adverse remarks would affect the career of the applicant adversely and, therefore, visit civil consequences on him. The consideration of the repre-

P. f. v. 12



entation was a quasi judicial function and the principles of natural justice were applicable to it. Therefore, the cryptic order merely rejecting the representation in this case was a bad order and should be struck down as bad in law. In fact, the appellate authority should have given the applicant an opportunity of being heard before disposing of the representation. If that had been done, the applicant would have been able to show that his relations with Group B officials and sub-ordinates did not deserve adverse comment, that wherever he pulled up those officials it was for valid and proper reasons to maintain discipline in the office. He would have been able to explain why there was delay in implementing transfers. Thus, not giving the applicant an opportunity of being heard while disposing of his representation and not writing a speaking order, the Member Telecom Board had done grave injustice to him.

6. Countering the arguments of Shri Naik, Shri Padmarajaiah submitted that there was no universal rule that an order disposing of a representation against adverse remarks should necessarily be a speaking order. The Member, Telecom Board, had called for the comments of the GM, Telecom, Bangalore, after receiving the applicant's representation. He had taken into account the report of the GM and had himself looked into the relevant records before rejecting the applicant's representation. It was not always practicable for the appellate authority to write a speaking order, but so long as he took into account all the relevant facts and circumstances in disposing of the representation, his order cannot be invalidated merely because it did not set out

P. S. Iyer

detailed reasons. This was not a case of disciplinary action where rules of natural justice demand that orders of penalty had to be speaking orders. A CR is merely a periodical assessment of the ability and competence of an official which was necessary for determining his fitness for higher posts in the hierarchy and his suitability for appointment to different posts in the Department. Therefore, the recording of adverse remarks or the disposal of representations against these remarks were not in the nature of penal actions. The Member, Telecom Board, was, therefore, well within his rights in rejecting the applicant's representation without assigning detailed reasons.

7. I have considered the matter very carefully. The writing of annual CR of Government officers is a purely administrative action. In that report the qualities of the officer reported upon, his competence and ability in performance of his duties, his fitness for promotion to higher posts, and his suitability for appointment to different kinds of posts in the Government require to be assessed. Such periodical assessments serve a dual purpose. If CRs are properly written, they would greatly assist the administration in assigning the proper person to the proper post and in giving promotions to those who deserve them and thereby promoting efficiency all round. While that is so from the point of view of the administration, the CR of an official plays an important role in shaping his career. An adverse report could ruin his career and an outstanding report could fetch him accelerated promotion. Thus, the importance of an annual CR of an official both from the point

P. S. S.

of view of the administration and of the official concerned, cannot be overstressed.

8. This Tribunal would ordinarily be slow in interfering with remarks recorded in an official's annual CR. These remarks are recorded by the official's immediate superior who is best qualified to do so since he has the opportunity to watch the work of the official from day to day from close quarters. Similarly the reviewing officer who is expected to know what is happening in his office is in the best position to judge whether the remarks recorded by the reporting officer truly reflect the conduct of the official reported upon, his qualities and competence. However, if in a particular case, the official reported upon is able to show that the reporting officer or the reviewing officer or both have acted on malice or have recorded or confirmed adverse remarks without any evidence to support them, this Tribunal will have to step in to set right the wrong. The reporting officer is not always obliged to set out in the CR the facts and incidents that have led him to record an adverse remark. The following observations of the Supreme Court in R.L. BUTAIL V. UNION OF INDIA SLR 1978 SC 925 are relevant here:

"These rules abundantly show that a confidential report is intended to be a general assessment of work performed by a Government servant subordinate to the reporting authority, that such reports are maintained for the purpose of serving as data of comparative merit when questions of promotion, confirmation, etc. arise. They also show that such reports are not ordinarily to contain specific incidents upon which assessments are made except in cases where as a result of any specific incident a censure or a warning is issued and when

P. Singh

such warning is by an order to be kept in the personal file of the Government servant. In such a case the officer making the order has to give a reasonable opportunity to the Government servant to present his case. The contention, therefore, that the adverse remarks did not contain specific instances and were, therefore, contrary to the rules, cannot be sustained. Equally unsustainable is the corollary that because of that omission the appellant could not make an adequate representation and that therefore confidential reports are vitiated". (emphasis supplied)

9. If ordinarily, reference to specific incidents is not required to be made in a CR, which would be the exceptional cases where such reference would be necessary? Obviously one such case would be where a remark is ^{Certain} ~~contain~~ ^{of his} relatable to ~~contain~~ ^{of his} specific acts of the official concerned or his interaction with others in the course of the performance of his duties and not to a ~~characteristic~~ ^{of his} trait ~~to~~ ^{of his} a pure and simple evaluation of his work as a whole. A comment like, "he is careless" or "he is lazy" or that "the quality of his work is poor or below average" would fall under the general rule set out in Butail's case ~~and~~ ^{of} not requiring specific incidents to be cited. In P. PUTTARANGAPPA V. STATE OF KARNATAKA, A No. 1708 of 1986 decided by a Bench of this Tribunal at Bangalore on 16.4.1987 it was observed that a remark in the CR that the official concerned "had limited analytical capability" was "relatable to the impression formed by the reporting officer regarding the work of the applicant" - what I have earlier referred to as a pure and simple evaluation of the work of the official - where specific incidents are not required to be cited

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in support. In Puttarangappa's case itself, there was another adverse remark to the effect that "he is rather fond of publicity and maintains close links with political local leaders". The Bench held that this was an allegation which "suffers from ambiguity inasmuch as the so called political local leaders with whom he had links have not been named". "Likewise", it was observed in Puttarangappa's case, "to say that the applicant had not maintained good relations with the officers mentioned is a vague statement, ~~it~~ sans any reference as to when and how the lack of good relations had adversely affected the discharge of duties by the officer". The Bench, speaking through Ramakrishna Rao, Member, held that in respect of both the allegations regarding political links and relations with the named officer, furnishing of details was necessary. The same comment was made in respect of another remark alleging that the official concerned tended to support officers known to be corrupt.

10. We may now turn to the adverse remarks in the present case with which the applicant is aggrieved. They are:

"1.(a) Does the Reporting Officer I agree except on agree with all that is recorded under Part II by the Officer? If not, enumerate precisely the extent of disagreement with and reasons therefor.

i) Staff Relation: Not good with Group 'B' officers.

ii) General: On bifurcation of Division implementation of transfers as per option of technicians, Telephone Operators cases badly delayed in spite of instructions.

P. S. B.

2.(iii) Human relations (his conduct with his colleagues, superiors and subordinates) and capacity to get work done

Subordinates: Not able to get on well with subordinate officers - Vindictive rather than conciliatory and corrective in guiding officers.

3. Please indicate if on any of the items in this part the Reporting Officer administered any written or oral warning or counselling and how the officer reacted thereafter.

Oral and written counselling given at times and has responded well after protracted correspondence and argument.

Obviously the first and third of the adverse remarks had to be based on specific instances of friction with the officers named therein noticed during the year under report. Similarly the allegation of delay in implementation of transfers is ^{M n} relatable to ^H identifiable incidents. It would also be a matter of record as to whether counselling (at least in writing) had produced the desired results after "protracted correspondence and argument". Thus all these remarks proceed from an assessment of the applicant's note in a series of ^{rel M} identifiable fact situations. On the ratio of the judgment in Puttarangappa's case, the specific events or correspondence on the subject should ~~be~~ ^H have also been recorded in the applicant's CR to support the adverse remarks, so that the applicant would know the case against him which he would have to meet when making a representation against those remarks.

Since the reporting officer failed to do this, respondent No.1 viz., the Member, Telecom, to whom the applicant made a representation against the remarks could have supplied the omission.

P. J. K.

He should have apprised the applicant of the actual instances of his bad relations with Group B officers or subordinate officers and of delays in implementation of transfers so that the applicant could have been in a position to counter the adverse inferences drawn against him if that were possible. To infuse confidence in the minds of the officials that the administration was being fair to its employees the representation should have been disposed of by a speaking order after considering all the contentions urged by the applicant in respect of each of the remarks recorded against him. This view finds support in the decision rendered in Haridev Gool's case by the Principal Bench. The order of Respondent No. 1 in this case rejecting the applicant's representation by a cryptic order without assigning any reasons for doing so and not dealing with the contentions urged by the applicant has to be held to be bad.

11. In view of the above, the order of Respondent No. 1 conveyed to the applicant by letter dated 23.7.1987 addressed by the Director Telecom, Mangalore, rejecting the applicant's representation against the adverse remarks is set aside. Respondent No.1 will furnish to the applicant the facts on the basis of which the adverse remarks were recorded, obtain the latter's explanation either in writing or orally and dispose of the representation by a speaking order after considering all the contentions raised by the applicant.

12. In the view I have taken above it is not necessary to deal with the other contentions raised in this application which the applicant will be free to agitate before any appropriate forum if that becomes necessary.

P. J. S. B.

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13. The application is disposed of on the above terms,
leaving the parties to bear their own costs.

Sd - -

MEMBER (A) 7/7



7/7/71

R. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated :

6 FEB 1989

To

1. Shri Sanjeev Malhotra
All India Law Journal
Hakikat Nagar, Mal Road
Delhi - 110 009
2. Administrative Tribunal Reporter
Post Box No. 1518
Delhi - 110 006
3. The Editor
Administrative Tribunal Cases
C/o Eastern Book Co.,
34, Lal Bagh
Lucknow - 226 001
4. The Editor
Administrative Tribunal
Law Times
5335, Jawahar Nagar
(Kolhapur Road)
Delhi - 110 007
5. M/s All India Reporter
Congressnagar
Nagpur.

Sir,

I am directed to forward herewith a copy of the undermentioned order passed by a Bench of this Tribunal comprising of Hon'ble

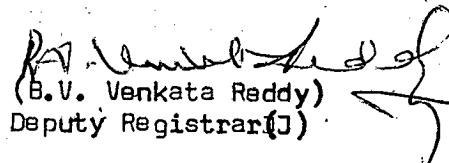
Mr. _____

Vice-Chairman/Member(s)

and Hon'ble Mr. P. Srinivasan Member (A) with a request for publication of the order in the journals.

Order dated 3-2-89 passed in A. No. 983/88(F).

Yours faithfully,


(B.V. Venkata Reddy)
Deputy Registrar(J)

9c

getted 11/2/89

Copy with enclosures forwarded for information to:

1. The Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi - 110 001.
2. The Registrar, Central Administrative Tribunal, Tamil Nadu Text Book Society Building, D.P.I. Compound, Nungambakkam, Madras - 600 006.
3. The Registrar, Central Administrative Tribunal, C.G.O. Complex, 234/4, A.J.C. Bose Road, Nizam Palace, Calcutta - 700 020.
4. The Registrar, Central Administrative Tribunal, C.G.O. Complex(CBD), 1st Floor, Near Konkon Bhavan, New Bombay - 400 614.
5. The Registrar, Central Administrative Tribunal, 23-A, Post Bag No. 013, Thorn Hill Road, Allahabad - 211 001.
6. The Registrar, Central Administrative Tribunal, S.C.O. 102/103, Sector 34-A, Chandigarh.
7. The Registrar, Central Administrative Tribunal, Rajgarh Road, Off Shillong Road, Guwahati - 781 005.
8. The Registrar, Central Administrative Tribunal, Kandamkulathil Towers, 5th & 6th Floors, Opp. Maharaja College, M.G. Road, Ernakulam, Cochin - 682 001.
9. The Registrar, Central Administrative Tribunal, CARAVS Complex, 15, Civil Lines, Jabalpur (M.P.).
10. The Registrar, Central Administrative Tribunal, 88-A, B.M. Enterprises, Shri Krishna Nagar, Patna - 1 (Bihar).
11. The Registrar, Central Administrative Tribunal, C/o Rajasthan High Court, Jodhpur (Rajasthan).
12. The Registrar, Central Administrative Tribunal, New Insurance Building Complex, 6th Floor, Tilak Road, Hyderabad.
13. The Registrar, Central Administrative Tribunal, Navrangpura, Near Sardar Patel Colony, Usmanapura, Ahmadabad (Gujarat).
14. The Registrar, Central Administrative Tribunal, Dolamundai, Cuttak - 753 009 (Orissa).

Copy with enclosures also to :

1. Court Officer (Court I)
2. Court Officer (Court II)

SL
(B.V. Venkata Reddy)
Deputy Registrar (J)

01/01/89
1-2-89

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE**

DATED THIS THE THIRD DAY OF FEBRUARY 1989

Present : Hon'ble Shri P. Srinivasan

... Member (A)

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... Applicant

(Shri M.R. Naik ... Advocate)

v.

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P. Srinivasan

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Post & Telegraph

Minor Circles. The Telecom Department in the country is divided into major and minor circles. A Major Circle is headed by a General Manager who is equal to the Post Master General (PMG) on the postal side, while a minor circle is headed by a Director. In respect of senior scale TES Group A officers working in Minor Circles, the Director, P&T Department - the Director, Telecom Board in a telecom circle - is the Reporting Officer and the Member, P&T Board is the Reviewing Officer as per the table on page 56.

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R. S. Naik

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P. J. V.

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P. S. M. S.

detailed reasons. This was not a case of disciplinary action where rules of natural justice demand that orders of penalty had to be speaking orders. A CR is merely a periodical assessment of the ability and competence of an official which was necessary for determining his fitness for higher posts in the hierarchy and his suitability for appointment to different posts in the Department. Therefore, the recording of adverse remarks or the disposal of representations against those remarks were not in the nature of penal actions. The Member, Telecom Board, was, therefore, well within his rights in rejecting the applicant's representation without assigning detailed reasons.

7. I have considered the matter very carefully. The writing of annual CR of Government officers is a purely administrative action. In that report the qualities of the officer reported upon, his competence and ability in performance of his duties, his fitness for promotion to higher posts, and his suitability for appointment to different kinds of posts in the Government require to be assessed. Such periodical assessments serve a dual purpose. If CRs are properly written, they would greatly assist the administration in assigning the proper person to the proper post and in giving promotions to those who deserve them and thereby promoting efficiency all round. While that is so from the point of view of the administration, the CR of an official plays an important role in shaping his career. An adverse report could ruin his career and an outstanding report could fetch him accelerated promotion. Thus, the importance of an annual CR of an official both from the point

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of view of the administration and of the official concerned, cannot be overstressed.

8. This Tribunal would ordinarily be slow in interfering with remarks recorded in an official's annual CR. These remarks are recorded by the official's immediate superior who is best qualified to do so since he has the opportunity to watch the work of the official from day to day from close quarters. Similarly the reviewing officer who is expected to know what is happening in his office is in the best position to judge whether the remarks recorded by the reporting officer truly reflect the conduct of the official reported upon, his qualities and competence. However, if in a particular case, the official reported upon is able to show that the reporting officer or the reviewing officer or both have acted on malice or have recorded or confirmed adverse remarks without any evidence to support them, this Tribunal will have to step in to set right the wrong. The reporting officer is not always obliged to set out in the CR the facts and incidents that have led him to record an adverse remark. The following observations of the Supreme Court in R.L. BUTAIL V. UNION OF INDIA SLR 1978 SC 925 are relevant here:

"These rules abundantly show that a confidential report is intended to be a general assessment of work performed by a Government servant subordinate to the reporting authority, that such reports are maintained for the purpose of serving as date of comparative merit when questions of promotion, confirmation, etc. arise. They also show that such reports are not ordinarily to contain specific incidents upon which assessments are made except in cases where as a result of any specific incident a censure or a warning is issued and when

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such warning is by an order to be kept in the personal file of the Government servant. In such a case the officer making the order has to give a reasonable opportunity to the Government servant to present his case. The contention, therefore, that the adverse remarks did not contain specific instances and were, therefore, contrary to the rules, cannot be sustained. Equally unsustainable is the corollary that because of that omission the appellant could not make an adequate representation and that therefore confidential reports are vitiated". (emphasis supplied)

9. If ordinarily, reference to specific incidents is not required to be made in a CR, which would be the exceptional cases where such reference would be necessary? Obviously one such case would be where a remark is ^{Certain} ~~relatable to certain~~ of his ~~to a maximum~~ characteristic trait ^{of his} to a pure and simple evaluation of his work as a whole. A comment like, "he is careless" or "he is lazy" or that "the quality of his work is poor or below average" would fall under the general rule set out in Buteil's case ^H and not requiring specific incidents to be cited. In P. PUTTARANGAPPA V. STATE OF KARNATAKA, A No.1708 of 1986 decided by a Bench of this Tribunal at Bangalore on 16.4.1987 it was observed that a remark in the CR that the official concerned "had limited analytical capability" was "relatable to the impression formed by the reporting officer regarding the work of the applicant" - what I have earlier referred to as a pure and simple evaluation of the work of the official, - where specific incidents are not required to be cited.

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in support. In Puttarangappa's case itself, there was another adverse remark to the effect that "he is rather fond of publicity and maintains close links with political local leaders". The Bench held that this was an allegation which "suffers from ambiguity inasmuch as the so called political local leaders with whom he had links have not been named". "Likewise", it was observed in Puttarangappa's case, "to say that the applicant had not maintained good relations with the officers mentioned is a vague statement, ~~1~~ sans any reference as to when and how the lack of good ~~1~~ relations had adversely affected the discharge of duties by the officer". The Bench, speaking through Ramakrishna Rao, Member, held that in respect of both the allegations regarding political links and relations with the named officer, furnishing of details was necessary. The same comment was made in respect of another remark alleging that the official concerned tended to support officers known to be corrupt.

10. We may now turn to the adverse remarks in the present case with which the applicant is aggrieved. They are:

"1.(a) Does the Reporting Officer I agree except on agree with all that is rec- i) Staff Relation: Not good ordered under Part II by the with Group 'B' officers. Officer? If not, enumerate ii) General: On bifurcation precisely the extent of of Division implementation disagreement with and of transfers as per option reasons therefor. of technicians, Telephone Operators cases badly delayed in spite of instructions.

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2.(iii) Human relations (his conduct with his colleagues, superiors and subordinates) and capacity to get work done

3. Please indicate if on any of the items in this part the Reporting Officer administered any written or oral warning or counselling and how the officer reacted thereafter.

Subordinates: Not able to get on well with subordinate officers - Vindictive rather than conciliatory and corrective in guiding officers.

Oral and written counselling given at times and has responded well after protracted correspondence and argument.

Obviously the first and third of the adverse remarks had to be based on specific instances of friction with the officers named therein noticed during the year under report. Similarly the allegation of delay in implementation of transfers is ⁱⁿ relatable to ⁱⁿ identifiable incidents. It would also be a matter of record as to whether counselling (at least in writing) had produced the desired results after "protracted correspondence and argument". Thus all these remarks proceed from an assessment of the applicant's note in a series of identifiable fact situations. On the ratio of the judgment in Puttarangappa's case, the specific events or correspondence on the subject should ^{rel} ⁱⁿ have also been recorded in the applicant's CR to support the adverse remarks, so that the applicant would know the case against him which he would have to meet when making a representation against those remarks. Since the reporting officer failed to do this, respondent No.1 viz., the Member, Telecom, to whom the applicant made a representation against the remarks could have supplied the omission.

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He should have apprised the applicant of the actual instances of his bad relations with Group B officers or subordinate officers and of delays in implementation of transfers so that the applicant could have been in a position to counter the adverse inferences drawn against him if that were possible. To infuse confidence in the minds of the officials that the administration was being fair to its employees the representation should have been disposed of by a speaking order after considering all the contentions urged by the applicant in respect of each of the remarks recorded against him. This view finds support in the decision rendered in Maridev Gaal's case by the Principal Bench. The order of Respondent No. 1 in this case rejecting the applicant's representation by a cryptic order without assigning any reasons for doing so and not dealing with the contentions urged by the applicant has to be held to be bad.

11. In view of the above, the order of Respondent No. 1 conveyed to the applicant by letter dated 23.7.1987 addressed by the Director Telecom, Mangalore, rejecting the applicant's representation against the adverse remarks is set aside. Respondent No. 1 will furnish to the applicant the facts on the basis of which the adverse remarks were recorded, obtain the latter's explanation either in writing or orally and dispose of the representation by a speaking order after considering all the contentions raised by the applicant.

12. In the view I have taken above it is not necessary to deal with the other contentions raised in this application which the applicant will be free to agitate before any appropriate forum if that becomes necessary.

P. J. S. B.