

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH ~~AT MARGA~~  
CAMP NAUPUR

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199

O.A. NO: 493/92

T.A. NO:

DATE OF DECISION 9.3.1995

Shri D.K.Chatterjee.

Petitioner

Shri P.C.Marpakwar.

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri R.P.Darda.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. M.R.Kolhatkar, Member(A).

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? X

2. To be referred to the Reporter or not? X

3. Whether the Lordships wish to see the Summary of the Judgement? X

4. Whether it needs to be circulated to other Benches of the Tribunal? X

*M.R.Kolhatkar*

(M.R.KOLHATKAR)  
MEMBER(A).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BOMBAY BENCH,  
CAMP AT NAGPUR.

Original Application No. 490/92.

Shri D.K.Chatterjee. ... Applicant.

V/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri P.C.Marpakwar.  
Respondents by Shri R.P.Darda.

Oral Judgment :-

{ Per Shri M.R.Kolhatkar, Member(A) } Dt. 9.3.1995.

In this O.A. the applicant has asked for the relief of expunging the adverse remarks in the Confidential Record for the years 1989-90 and 1990-91 and any further reliefs. The adverse remarks in the C.R. relating to 1989-90 are as below:

a) Reliability	- Average
b) Sobriety	- Intemperate
c) Has he kept abreast of - modern developments in his work?	- Fairly
d) General Remarks :	

He lacks in team working and does not readily accepts other's superiority and hence fairly amenable to discipline."

The applicant made representation on 20.6.1990 (at page 9) to which there was no reply. Subsequently in respect of the year 1990-91 the adverse remarks "(a) initiative - Average" were communicated to him by a memo dt. 27.9.1991 (at page 16).  
However, by letter dt. 7.11.1991 (at page 19) the following

memorandum was issued in respect of the CRs for both years 1989-90 and 1990-91 although the subject refers only to the C.R. for the year 1990-91. This memorandum reads as below:

"Having gone through your representation, it is to inform you that your performance during the year 1989-90 and 1990-91 has been adjudged as very good. Even though you have shown considerable improvement in overall performance, it is felt that further improvement is needed in initiative and the advice in this regard should not be taken as adverse."

2. It is the stand of the Respondents that the remarks which were communicated to the applicant both in respect of 1989-90 and 1990-91 were with a view to cause improvement in the performance of the applicant. The remarks were advisory in nature, in fact, it is ~~the~~ <sup>as a</sup> result of communication of such advisory remarks <sup>that</sup> ~~an~~ improvement has already been ~~derived~~ <sup>discovered</sup>. The counsel for the respondents makes a statement that the remarks for the years 1989-90 and 1990-91 would not be taken as adverse and further promotion of the applicant will be considered <sup>being</sup> on the basis of his performance during these two years ~~is of~~ <sup>in</sup> the category "very good".

3. In view of this statement the counsel for the applicant does not press for the relief of ex-punction of the adverse remarks. The O.A. is disposed of in these terms. No orders as to costs.

*M.R. Kolhatkar*

(M.R. KOLHATKAR)  
MEMBER (A)

B.