

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-38.

Dated: 13 FEB 94

APPLICATION NO(s) 772/93

APPLICANTS:

D. Rajasekharan VS UOI and others  
TO.

RESPONDENTS:

1. Sri. K.V. Shamanna, Advocate,  
No. 1465, 14th Main Road, 100C Road,  
Mekalakshmiyapuram, Bangalore-86.

2. Sri K.R.D. Karanth, Advocate, NO 32  
Mangal Nagar, Sankey Road Post,  
Blone 52.

3 Sri. A.N. Venugopal Advocate, 812, upstream  
R. V. Road Bangalore-4

4. Union of India by its Gen Manager  
Southern Railway Park Town Madras-3  
Southern Railway Park Town Madras-3

5. The Chief Personnel Officer Southern  
Railway Park Town Madras-3

6. The Chief Engineer (construction)  
Southern Railway, 18, Mclers Road Blone-46

(Construction) Southern Railway, 18 Mclers  
Road Bangalore-46

SUBJECT:- Forwarding of copies of the Orders passed by  
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the  
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal  
in the above mentioned application(s) on 19.1.94.

Issued on  
3/2/94

olc

Se Shamanna  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A. NO.772/93

WEDNESDAY THIS THE NINETEENTH DAY OF JANUARY 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

D. Rajasekharan,  
S/o M. Dandapani,  
Aged about 49 years,  
Confidential Assistant,  
O/o Chief Engineer [Construction],  
Southern Railway,  
18, Millers Road,  
Bangalore-560 046.

... Applicant

[By Advocate Shri K.V. Shamanna]

v.

1. Union of India repre-  
sented by the General Manager,  
Southern Railway,  
Park Town,  
Madras-600 003.

2. The Chief Personnel Officer,  
Southern Railway,  
Park Town,  
Madras600003.

3. The Chief Engineer [Construction],  
Southern Railway,  
18, Millers Road,  
Bangalore-560 046.

4. The Chief Administrative Officer  
[Construction], Southern  
Railway, 18, Millers Road,  
Bangalore-46.

... Respondents

[By Advocates S/Shri K.R.D. Karanth, Senior  
Counsel and Shri A.N.Venugopal, Counsel for the Railway Admin]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. Heard. Admit. The applicant seeks our interference in the matter of expunging adverse remarks recorded more than once by the Reporting Officer. We notice that the officer had availed the remedy of appeal which has since been disposed off by making

a somewhat criptic order. The appellate order reads-

"Your representation has been reviewd by the competent autho-  
rity. CAO/CN/BNC has decided as under:-

'I have gone through the A.C.R., the adverse remarks  
recorded and the representation made by Shri Rajasekha-  
ran.

The language used by Shri Rajasekharan is intermperate  
and inappropriate. It contains extraneous matter not  
relevant to the issue under consideration. It is also  
factually incorrect in certain respects.

After taking all aspects into consideration, I have  
decided that the A.C.R. is a fair and correct assessment  
of Shri Rajasekharan's performance for the year 1901-  
92 and needs no change. The adverse remarks are accepp-  
ted.

Shri Rajasekharan maybe advised of my decision.'

Therefore, you are advised CAO's/CN decision on your Confi-  
dential Report.

Please acknowledge receipt."

It seems to us that when it is the question of career prospects  
of an officer and what stands in the way is an uncomplimentary  
remark which according to the officer was either not warranted  
or was not justified, it is the duty of the Appellate Authority  
['AA' for short] to go into the same in depth and thereafter  
make an order accepting the adverse remarks or expunging it.  
We need hardly add that factors affecting the career of officials  
particularly in the matter of earning promotions/increments cer-  
tainly visit him with civil consequences. Such orders should  
be passed after considering the matter objectively and record  
must speak if not adequately at least sufficient enough to inform  
anyone who reads the order as to what exactly was passing through  
in the mind of the administrative authority. From this point  
of view the impugned order of AA fails. The learned Senior Coun-  
sel Shri K.R.D. Karanth and his learned junior counsel Shri A.N  
Venugopal do not contend otherwise.

- 3 -

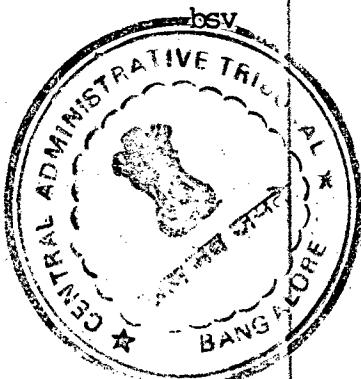
2. Under the circumstances we think it proper to quash Annexure A-11 the impugned order passed by the AA and to remit the case back to the AA to pass an appropriate order in the light of our observation as above and in accordance with law. The appeal will have to be disposed off afresh within a period of 3 months from the date of receipt of a copy of this order. Let a copy of this order be sent to the AA immediately. No costs.

Sd-

MEMBER [A]

Sd-

VICE-CHAIRMAN



TRUE COPY

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SECTION OFFICER 312  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE