

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, WOC Road,
Mahalakshmiapuram. Bangalore-86.
2. Sri K.R.D. Karanth, Advocate, NO 32
Mangal Nagar, Sankey Road Cross,
Blone 52.
3. Sri. AN. Venugopal, Advocate, 812, upstairs
R.V. Road Bangalore-46
4. Union of India by its Gen Manager
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, Millers Road Blone-46.
7. The Chief Administrative officer
(Construction) Southern Railway. 18 Millers
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

gm*

S. Shanhar
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.772/93

WEDNESDAY THIS THE NINETEENTH DAY OF JANUARY 1994

Shri Justice P.K. Shyamasundar ... 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,
Madras 600003.

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.

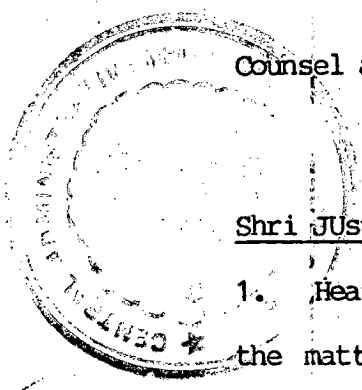
... Respondents

[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 cryptic order. The appellate order reads-

"Your representation has been reviewed by the competent authority. 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 Rajasekharan.

The language used by Shri Rajasekharan is interperate 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 accepted.

Shri Rajasekharan maybe advised of my decision.'

Therefore, you are advised CAO's/CN decision on your Confidential Report.

Please acknowledge receipt."

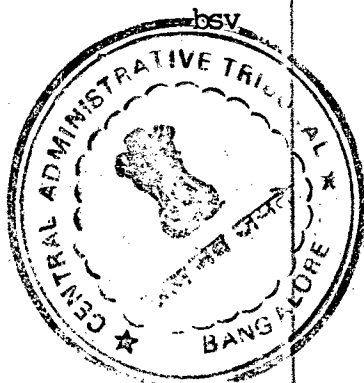
It seems to us that when it is the question of career prospects of an officer and what stands in the way is an uncomplimentary remark which according to the officer was either not warranted or was not justified, it is the duty of the Appellate Authority ['AA' for short] to go into the same in depth and 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 certainly 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 Counsel 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

Sd. Chander
SECTION OFFICER 3/2
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE