

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

C.P.52/95 in O.A. 590/93.

P.V.Joshi

... Applicant

V/s.

1. State of Maharashtra
(Through Chief Secretary
to the Government of Maharashtra,
G.A.D., 5th Floor, Mantralaya,
Bombay - 400 032.

2. Union of India & 4 Others ... Respondents.

CORAM: Hon'ble Shri B.S.Hegde, Member (J).

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

APPEARANCE:

Smt.S.P.Joshi, Counsel
for Applicant.

Shri M.I.Sethna, Counsel
for Respondents.

TRIBUNAL'S ORDER:

DATED : 09.9.95

[Per Shri B.S.Hegde, Member (J)]

Heard Mrs.Joshi, Counsel for Applicant and
Shri M.I.Sethna, Counsel for Respondents. She has
filed CP-52/95 praying for the following directions:-

- a. to call for the A.C.R. of 1993-94 and
examine the same in light of Annexure 1
and Annexure VI & VII.
- b. If Reporting of A.C.R. is done in contravention
of Tribunals order dt. 24/6/94 (Annexure 1)
the said continuing contempt be purged by
a suitable order.

2. We have perused the Tribunal's order dt.
24/6/94. After hearing the parties, the Tribunal had
directed that Shri M.S.Mahesh Gauri, Respondent-6 is
the present authority who is likely to write the
Annual Confidential Reports of the applicant for the
period 1993-94. In the circumstances, Tribunal has
directed that the next higher authority should write
the Confidential Reports of the applicant for the

period 1993-94. Accepting and Reviewing would be done by the authorities above the Reporting Officer as per rules.

3. The Respondents in their reply contended that the CP filed by the applicant is infructuous and not maintainable and it is nothing but the abuse of legal ~~order~~^{process}. As per the direction of the Tribunal, the respondents vide their letter dated 29/10/94 intimated the applicant that the A.C.R. for the year 1993-94 in the case of the applicant will be reported by the Special I.G.P.C.I.D. (Crime), Maharashtra State, Pune for the period from 1.4.93 to 14.11.93 and by the Addl.D.G.F.C.I.D. (Crime), Maharashtra State, Pune for the period from 29.11.93 to 31.3.94. The Annual Confidential Reports for the said periods will be reviewed by the D.G. & I.G.P., Maharashtra State, Bombay and will be accepted by the Additional Chief Secretary(Home).

4. Therefore, they contend that the respondents have duly complied with the direction of the Tribunal because as per the Hierarchy at the relevant time Special Inspector General C.I.D., of the Officer being the next higher authority, thereafter for the remaining period the Official to write the A.C.R. is the Additional Director General of Police to the Deputy Inspector General of Police. Therefore, the contention and allegation of the applicant that such reporting cannot be written by illegally created higher authority is unjustified in this case is not warranted.

5. As rightly stated by respondents, it is not for the applicant to demand that the A.C.R. should be written by the person occupying the post of Additional Director General of Police. Though the applicant was informed by the aforesaid letter

regarding Reporting, Reviewing and Accepting authority, the applicant has contended that the respondents have committed a Contempt which is not based on records.

6. We heard the contentions of both the parties and we are satisfied that the respondents pursuant to the direction of the Tribunal have complied with the order by appointing ^{Authority} other than Mr. Mahesh Gowri as the Reporting and Reviewing Authority in accordance with the Rules. Hence, we find no merit in the CP and the CP-52/95 is dismissed. So far as the MP-300/95 and 401/95, the respondent is directed to file reply and same be tagged on with the original application. List the matter for hearing in its turn.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

B.S. Hegde

(B.S. HEGDE)
MEMBER (J).

abp.