

J A I P J R.

O.A. No. 1136/92

Date of Order: 21.7.93

R.K. MAHAVAR

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. J.K. Kaushik

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Kirshna, Judicial Member

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

Heard. The learned counsel for the parties have agreed that this petition be decided at the stage of admission.

2. A letter containing some adverse remarks in the ACR of the applicant for the year ending 31.3.91 was served on the applicant on 10.3.92. The applicant submitted a representation against the adverse remarks on 4.5.92. According to the learned counsel for the applicant, the applicant has not received any communication from the respondents to the representation made against the adverse remarks. In their reply, the respondents have stated that the representation against the adverse remarks should have been made within <sup>15</sup>/<sub>h</sub> period prescribed in the letter communicating the adverse remarks. Hence, the representation should not be considered.

3. There was an earlier letter dated 7.6.91 by which it was proposed to communicate the adverse remarks to the applicant. In this letter, a time of 7 days was allowed for submitting the representation against the adverse remarks. However, it was this letter which was eventually served on the applicant on 10.3.92. It is by reason of the time mentioned in this letter dated 7.6.91 that the respondents have argued that the representation against the adverse remarks should have been submitted within a week.

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4. Admittedly, the letter dated 7.6.91 was served on the applicant as late as 10.3.92. The period mentioned therein for submitting the representation, therefore, had no meaning. We agree that the representation against the adverse remarks should be submitted within a reasonable time, regardless of whether there is any time prescribed for submitting representation or not. However, in this case, the representation has been submitted within a period of less than 2 months from the date of receipt of letter communicating the adverse remarks. This time taken by the applicant can by no means be said to be unreasonable.

5. We direct that the respondents should examine the representation of the applicant on merits and take a decision thereon within a period of three months from the date of receipt of this order.

6. The O.A. has been disposed of accordingly, with no order as to costs.

( O.P. SHARMA )  
Administrative Member

Cp Krishna  
( GOPAL KRISHNA )  
Judicial Member