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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

DA.724/91

Date of decision : 15-10-1992

Between

V. (Rajan Babu

: Applicant

and

1. Union of India, rep. by
The Secretary
Dept. of Atomic Energy
New Delhi

2. The Operational Manager
Captive Power Plant
Heavy Water Project
Manuguru, Khammam Dist.

3. The Deputy General Manager
Captive Power Plant
Heavy Water Project
Manuguru, Khammam District.

: Respondents

Counsel for the applicant

: K. Anantha Rao, Advocate

Counsel for the respondents

: N.V. Ramana, Central Govt.
Standing Counsel

CORAM :

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON. MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

JUDGEMENT

(Order as per Hon. R. Balasubramanian, Member (Admn.)

This application is filed seeking a direction to the respondents to expunge the adverse remarks communicated to the applicant vide memo No.HWPM/CR/6/90 dated 7-6-1990.

2. Vide the impugned memo certain adverse entries made in the confidential report for the period from 1-2-1989 to 31-1-1990 were communicated. The applicant represented an appeal against this vide his letter dated 7-7-1990. The

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same was rejected by order dated 3-5-1991 issued by the Dy. General Manager, who is the countersigning authority. Aggrieved, the applicant has filed this OA.

3. The respondents have opposed the application and filed a counter affidavit. It is their case that specific incidents need not be there to ~~come~~ to a decision regarding the performance and behaviour of the applicant. Earlier the respondents were directed to place the material based on which they have come to the conclusion regarding adverse entries. After several adjournments, all that the respondents could produce today at the time of hearing, was again his confidential report dossiers only. Respondents were not able to substantiate the adverse remarks by ~~producing~~ any material in support of such a conclusion.

4. Shri Anantha Rao, learned counsel for the applicant, argued that the final rejection of the applicant's appeal vide order dated 3-5-1991 as bald one and contain no reason. On this aspect, the legal position is clear and Hon. Supreme Court held

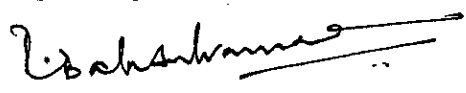
"while authorities should have material, they need not adduce while direction appeal against adverse entries."

5. We had gone through the material made available to us by the respondents. We are unable to find an iota of evidence in support of the adverse entries communicated to the applicant.

6. In view of this, we hold that the adverse entries are unjustified and we direct the respondents to expunge them in accordance with the rules.

7. The application is allowed accordingly with no orders as to costs.

8. This order shall be complied with by the respondents within a period of three months from the date of receipt of this order.


(R. BALASUBRAMANIAN)
MEMBER (ADMN)


(T. CHANDRASEKHARA REDDY)
MEMBER (SUDL.)

Dated Oct, 15, 92
Dictated in the Open Court


Deputy Registrar

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To

1. The Secretary, Union of India,
Dept. of Atomic Energy, New Delhi.
2. The Operational Manager,
Captive Power Plant Heavy Water Project,
Manuguru, Khammam Dist.
3. The Deputy General Manager, Captive Power Plant,
Heavy Water Project, Manuguru, Khammam Dist.
4. One copy to Mr. K. Ananta Rao, Advocate, New Malakpet, Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 15-10-1992

~~ORDER~~ JUDGMENT:

R.A. /C.A. /M.A.No

in

O.A.No. 724/91

T.A.No.

(wp.No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

