

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A. No. 553/92

Dt. of Decision 5.3.93

For A. - No. 7

S.Narasimha

Petitioner

Mr.V.Venkateswara Rao

Advocate for
the petitioner
(s)

Versus
The Director General, Indian Council for Agrl.

Research, Krishi Bhavan, New Delhi, ~~Maxwell~~ and 3 others.

Respondent.

Mr. E.Madan Mohan Rao

Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. T.CHANDRASEKHAR REDDY, MEMBER (JUD L.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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T - C. A
(HTCSR)
M(J)

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.553/92

Date of Order: 5.3.93

BETWEEN:

S.Narasimha

.. Applicant.

A N D

1. The Director General,
Indian Council for Agrl.
Research, Krishi Bhavan,
New Delhi.
2. The Director, Central
Research Institute for
Dryland Agrl. Institute,
Santosh Nagar, Hyderabad.
3. The Officer-in-charge, H R F
Central Research Institute for Dryland
Agrl., Santoshnagar, Hyderabad.
4. The Senior Administrative Officer,
Central Research Institute for Dryland
Agrl., Santoshnagar, Hyderabad. .. Respondents.

Counsel for the Applicant

.. Mr.V.Venkateswara

Counsel for the Respondents

.. Mr.E.Madammohan Ra

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T.C.R.

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Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Jud1.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to expunge the adverse remarks recorded in the C.R. of the applicant for the period from 1.1.1988 to 31.3.1989 and for certain other consequential reliefs.

The facts giving rise to this O.A. in brief are as follows:-

2. The applicant herein was promoted from T1 Field Man to T2 Field Man w.e.f. 1.7.1986 as per the orders of the Second respondent dt. 28.7.1986. While working as T2 Field Man, the Second respondent issued a memo dt. 1.8.1989 communicating adverse remarks entered in the C.R. for the period from 1.1.1988 to 31.3.1989. The applicant herein ~~is~~ submitted his representation ^{with a} against the adverse remarks entered in C.R. on 5.8.1989 requesting ~~MM~~ to expunge the same. The said representation ^A dt. 5.8.1989 was rejected and the same was communicated by the 4th respondents as per his memo dt. 6.10.1989. A further representation ^{dt.} 7.10.1989 was again submitted by the applicant for expunging the said adverse remarks in the C.R. The said representation was rejected and the same was communicated by the 4th respondent as per his memo dt. 12.10.1989. Thereafter the applicant submitted his appeal to ^{the} ~~the~~ First respondent on 22.8.1991. On 11.6.1992 the rejection of the 1st respondent of the representation was communicated by the 4th respondent. After exhausting the departmental remedies ~~and as the applicant has failed to get the required relief from the respondent,~~ the applicant has approached this Tribunal for the relief as already indicated above.

T. C. *[Signature]*

3. The respondents have not filed their counter inspite of giving sufficient opportunity. We have also directed the respondents to make available the relevant material before this Tribunal pertaining to this OA. No material is produced by the respondents pertaining to this OA. We have heard in detail Mr V.Venkateswara Rao advocate for the applicant and Mr E.Madan Mohan Rao, Standing Counsel for the respondents. After hearing both sides, we proceed to dispose of this OA with the available material.

4. The adverse remarks recorded in the C.R. of the applicant for the period from 1.1.88 to 31.3.89 and that are communicated to the applicant are as follows:

- "(1) Initiative: As against this he is poor initiative person.
- (2) Co-operative and Team Spirit and work:
As against that, he is not much co-operative and team spirit and work"

(See Exhibit A-3 with regard to the adverse remarks communicated to the applicant).

5. Adverse remarks are ~~intended~~ intended to be a general assessment of work performed by a Government servant sub-ordinate to the reporting authority. It is also with a view to improve the efficiency of the government servant that the adverse remarks are communicated pointing out his defects and shortfalls. But the adverse remarks that are recorded in the CRs of a Government servant serve as data of comparative merit when questions of any promotion, confirmation, etc., arise. So, in view of the importance the CRs bear with regard to the career of the Govt. servant it is very much necessary that the assessment of the work of a Government servant by the reporting authority should be very fair and un-biased.

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4. For recording any adverse remark, the same must be based on some material or the other. The first adverse remark as against the applicant is that he is a person with poor initiative. No material is placed before the Tribunal to show what was the initiative that was required on the part of the applicant and under what situation the said initiative was not shown by the applicant. No memo at any time seems to have been served on the applicant during the period from 1.1.88 to 31.3.89 that he lacked the initiative on any particular occasion. So, the said adverse remark that the applicant is a person of poor initiative is absolutely not supported with any material. So, in view of this situation, the said adverse remark that the applicant is a person of poor initiative is liable to be expunged.

5. The second adverse remark as already pointed out is, that the applicant is not much co-operative in team spirit and work. Here also no material is placed before this Tribunal to show on what occasion the applicant had failed to be co-operative and show team spirit and work. As and when the applicant was found lacking in co-operation team spirit and work, the controlling authority should have served some memo or the other so as to enable the applicant to rectify his deficiency. Such memo does not appear to have been served at all on the applicant. As the second adverse remark as against the applicant is also recorded in his CR without any material, the same is also liable to be expunged. To sum up, in one sentence, the respondents have failed to make out any basis for recording the said adverse remarks against the applicant. So, in view of this position, we see no other alternative except to allow this OA.

T. C. R. P.

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6. In the result, the memo dated 1.8.1989 issued by the second respondent communicating the adverse remarks to the applicant is hereby quashed and the respondents are hereby directed to expunge the adverse remarks in the CR of the applicant for the period from 1.1.1988 to 31.3.89. OA is allowed accordingly.

7. The parties shall bear their own costs.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 5th March, 1993

(Dictated in the open court)

29/3/93
Deputy Registrar (J)

sd/mvl

To

1. The Director General, Indian Council for Agri. Research, Krishi Bhavan, New Delhi.
2. The Director, Central Research Institute for Dryland Agri. Institute, Santosh Nagar, Hyderabad.
3. The Officer-in-charge, H R F Central Research Institute for Dryland Agri., Santoshnagar, Hyderabad
4. The Senior Administrative Officer, Central Research Institute for Dryland Agri., Santoshnagar, Hyderabad.
5. One copy to Mr. V. Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr. E. Madanmohan Rao, SC for Agri. CAT.Hyd.
7. One spare copy.

pvm

Sanjana 21/3/93