

(43)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::  
AT HYDERABAD

O.A.Nos.1085/95 &  
1185/95.

Date of Decision:29.3.1996

BETWEEN:

A. Subrahmanyam

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..

Applicant

And

1. Union of India, rep. by its  
Secretary, Deptt. of Defence  
Productions and Supply,  
Ministry of Defence, South Block,  
New Delhi-110 001.
  2. Chairman,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta-700 001.
  3. General Manager,  
Ordnance Factory,  
Yeddumailaram,  
Medak District,  
Andhra Pradesh-502 205.
- .. .. Respondents.

COUNSEL FOR THE APPLICANT : Sri A.Suryanarayana Murthy  
Advocate.

COUNSEL FOR THE RESPONDENTS : Sri V.Rajeshwara Rao,  
Addl. CGSC

CORAM:

HON'BLE SRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE )

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J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri A.Suryanarayana Murthy, learned counsel for the applicant in both the OAs and Sri V.Rajeshwara Rao, learned Standing Counsel for respondents.

2. The contentions in both the OAs are inter-related and common points arise for consideration. Hence, both these OAs are disposed of by a common order.

3. The applicant joined as <sup>a</sup> Class-I Officer in Indian Ordnance Factory Service (Non-technical) on 2.1.1973 on the basis of Civil Services Examination, 1971. He was further promoted as Deputy Manager on 22.4.1978 and thereafter as Dy.General Manager in the Junior Administrative Grade on 30.8.1984. The applicant was given promotion as Dy.General Manager in the non-functional selection grade of Junior Administrative Grade with effect from 1.10.1991 in which capacity he is working on date under R-3. His next promotion is to the grade of Additional General Manager in the Senior Administrative Grade by a process of selection through a Departmental Promotion Committee. He was given adverse remarks in the Annual Confidential Report~~s~~ for the year 1992-93 for the period from 1.4.1992 to 31.3.1993. The adverse remarks communicated to him for the above period reads as follows:-

"2. At the same time, the following shortcomings are noticed:-

(a) You have to take bold decisions by leading from the front."

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To expunge the same, he submitted a representation to R-2 by his representation dt. 2.3.1994 (Annexure-II Page-12 of the OA 1085/95). The said representation was disposed of by R-2 by order No.410/A/G dated 31.8.94. This order reads as follows:-

"The representation dt. 2.3.1994 submitted by Sri A.Subrahmanyam, DGM/OFPM has been carefully examined by the DGOF/Chairman, O.F.Board and is rejected in his representation. It has been held by him that the advise given to Sri Subrahmanyam was with a view to afford him an opportunity to overcome the shortcomings reflected in his ACR and that he should take the same in the correct spirit."

3. The applicant was also given adverse remarks in the Annual Confidential Report for the period 1993-94 (1.4.1993 to 31.3.1994). The shortcomings indicated for the above said period reads as follows:-

"2. At the same time, the following shortcomings are noticed:-

- (a) Your ability to work under the conditions of stress or tension is limited.
- (b) By exerting yourself a little more, you can function effectively.
- (c) You have to be constantly goaded in the sphere of confirmation/seniority of Industrial Employees.
- (d) Your capacity to work as a members of a team and to promote team spirit and optimise the output of a team is limited."

Against the above adverse remarks the applicant had submitted a representation dt. 31.12.1994 (Annexure-II - page.10). That representation was also disposed of by Memorandum dt. 15.5.1995 bearing No.410/A/G. Verbatim of this memorandum is also similar to the one which was issued on 31.8.1994.

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4. Aggrieved by the memorandums dt. 31.8.1994 bearing No.410/A/G and 15.5.1995 bearing No.410/A/G whereby the representations of the applicant for expunging the adverse remarks entered in his ACRs for the years 1992-93 & 1993-94 respectively were rejected, he has filed these OAs, assailing the above referred memorandums and praying for a further direction to the respondents for expunging the adverse remarks entered in his ACRs 1992-93 & 1993-94.


5. Before analysing this case, the mechanism of writing of Annual Confidential Reports needs ~~to~~ a little bit to be explained. The Annual Confidential Reports (ACRs for short) consists of -

Part-I in which the personal data of the employee is entered i.e. Date of Birth, year of recruitment, qualifications etc.

Part-II is to be filled by the Officer reported upon and he gives a brief resume indicating the nature of duties performed by him, his achievements during the period in the discharge of his duties and shortcomings.

Part-III of the report is to be initiated by the immediate Controlling Officer of the Officer on whom the report is written. It has number of items to be commented upon such as, nature and quality of work, quality of output, attributes, attitude to work, decision making ~~and~~ abilities, communication skill etc. etc.

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Part-IV of the report is General one indicating status of health, integrity, general assessment of the officer and the gradings to be awarded to him which part also supervising the reported officer.

Part-V of the ACR is remarks of the Reviewing Authority by his next higher authority, and

Part-VI is the remarks of the accepting authority.

6. In this case, the Reporting Officer for the applicant is the Additional General Manager, Reviewing Authority is the General Manager (R-3) and the Accepting Authority is R-2.

7. Adverse remarks pertaining to the year 1992-93 communicated to the applicant herein were entered in Part-V by the Reviewing Authority viz. R-3.

8. In 1993-94, all the adverse remarks extracted were entered by the Reporting Officer except item-(c). Item-c was entered by R-3 as a Reviewing Authority.

9. The applicant submitted a representation dt. 2.3.1994 for expunging the adverse remarks in the ACR for 1992-93. Short-comings indicated is of a bit general in nature. The applicant by his representations of his duties quoted above had stated that he is ever conscious and that he had taken decisions, even calculated the risk in discharging his duties and hence adverse remarks are not warranted.

...6/-



In the representation dt. 31.12.1994 for expunging adverse the/remarks entered in his ACR for the year 1993-94 and he has given/elaborate representation. It runs to 10 pages. Mainly it contains that R-3 is biased against him and hence he was given adverse remarks by him and <sup>R-3</sup> ~~he~~ has also influenced his junior officer to write adverse remarks against him. In the next contention of his explanation he deals with his achievements in regard to process of confirmation of industrial employees, <sup>comparing the statistics</sup> ~~comparison~~ of the position that was prevailing earlier and the last portion of the representation contains extracts of the management literature, usefulness of the extracts in the present circumstances is not made very clear.

10. <sup>b/c</sup> It is noted at this juncture that the applicant was made as a Group Officer and was given the direct Supervision of charge of Labour Bureau, Estate Office, Stock Verification Group and he has got two officers below him to assist in this connection, ~~and~~. In the annexures to the Reply Statement of the respondents there are three annexures which were addressed to the applicant herein wherein some of his lapses were communicated in the discharge of <sup>his</sup> duties. Annexure-I is in the nature of giving him advise to organise and updating of service bearing No.01125/GM/CON/OFPM/93.dt.14.10.93 records in all respects by 31-3-1993/ Annexure (R-2) is the letter communicating him that he had failed to sort out the problems of stock verification group and to ensure that stock verification functions smoothly, by letter No.01125/GM/CON/OFPM/93 dt. 17.4.1993.

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59

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The third annexure (R-3) bearing No.0112/GM/RN/OFPM/94

dt. 3.2.1994 is a reprimand to the applicant for not

exercising proper scrutiny/check up ~~in xxxxxxxxxx~~

the papers before forwarding to the General Manager

for his approval. In that annexure it is stated that

the applicant failed to indicate <sup>the</sup> correct result of Trade Test of

two of the employees in the factory. No record was produced to show that the applicant had objected to issue of these letters/

11. With the above details, the present OAs are to be examined:-

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them.

(a) The principle <sup>is</sup> laid down by the Apex Court and reported in X AIR 1991 SC 1216 - UOI and Oss. Vs.

G.Nambudiri X in regard to dealing of representations

when addressed to the administrative authorities for

of adverse remarks entered in the ACRs. expunging/ ~~the xxxxxx~~ The relevant observation made in

the cited case is reproduced for clarity.

"There is no dispute that there is no rule or administrative order for recording reasons in rejecting a representation. In the absence of any statutory rule or statutory instructions requiring the competent authority to record reasons in rejecting a representation made by a Government servant against the adverse entries the competent authority is not under any obligation to record reason. But the competent authority has no licence to act arbitrarily, he must act in a fair and just manner. He is required to consider the questions raised by the Government servant and examine the same, in the light of the comments made by the officer awarding the adverse entries and the officer countersigning the same. If the representation is rejected after its consideration in a fair and just manner, the order of rejection would not be rendered illegal merely on the ground of absence of reasons. In the absence of any statutory or administrative provision requiring the competent authority to record reasons or to communicate reasons, no exception can be taken to the order rejecting representation merely on the ground of

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absence of reasons. In the absence of any statutory or administrative provision requiring the competent authority to record reasons or to communicate reasons, no exception can be taken to the order rejecting representation merely on the ground of absence of reasons. No order of an administrative authority communicating its decision is rendered illegal on the ground of absence of reasons ex facie and it is not open to the court to interfere with such orders merely on the ground of absence of any reasons. However, it does not mean that the administrative authority is at liberty to pass orders without there being any reasons for the same. In governmental functioning before any order is issued the matter is generally considered at various levels and the reasons and opinions are contained in the notes on the file. The reasons contained in the file enable the competent authority to formulate its opinion. If the order as communicated to the Govt. servant rejecting the representation does not contain any reasons, the order cannot be held to be bad in law. If such an order is challenged in a court of law it is always open to the competent authority to place the reasons before the court which may have led to the rejection of the representation. It is always open to an administrative authority to produce evidence aliunde before the court to justify its action."

12. There are two important guidelines laid down by the Apex court as can be seen from the above extracts. The first guideline is that "no order of an administrative authority communicating his decision is rendered illegal on the ground of absence of reasons ex facie illegal and it is not open to the court to interfere with the orders merely on the ground of absence of reasons". The second guideline is that "the administrative authority does not have liberty to pass orders without there being any reasons for the same. In the Governmental functioning

before any order is issued the matter is generally  
opinions are contained in the notes on the file.  
The reasons contained in the file enable the  
competent authority to formulate its opinion."

13. There are two main contentions for the applicant in both the OAs besides some other minor contentions. The first contention of the applicant is that the impugned orders dt.31.8.1994 and 15.5.95 are non-speaking. Those orders are passed mechanically by R-2. This is evident from the fact that the impugned orders issued in both the OAs are verbatim same except the change in the date of representation. In view of the Supreme Court Judgment referred to above, the decision of R-2 on the ground of absence of reasons exfacie cannot be said to be illegal but on the file itself, where his representation was considered, reasons for coming to conclusion has to be recorded. He fairly submitted that the above contention has to be seen from the records and hence he submitted that the records may be called for and perused to say whether rejection of representations is supported by reasons on the file atleast.

14. In view of the above, the concerned confidential report folders wherein the correspondence was initiated and the notings are recorded were called for. As indicated earlier, in the ACR of 1992-93 there is only one adverse remark regarding shortcomings "to take bold decisions by leading from the front". This remark was

entered by R-3 in his Reviewing report. R-2 has called for remarks of the concerned in the Ordnance Medak Factory, to give the required remarks to the representation of the applicant dt. 2.3.1994. The applicant in his representation said that he has even taken calculated risk <sup>while</sup> in discharging <sup>his</sup> functions and ~~therefore~~ no incidence has been quoted wherein he lacked boldness. R-2 has called for remarks from the concerned from the Medak factory. R-3 by his Confidential letter bearing <sup>had</sup> No.0118/GM/CR/G/OFPM/94 dt. 3.6.1994 given his remarks. From the remarks, it appears that the applicant had given evasive reply to the representative unions and shifted the responsibility to somebody else in regard to redressal of grievances of the Union. He has also stated that the above fact had been appraised ~~by~~ to the applicant <sup>and was asked</sup> to clarify the position to the concerned Union official whenever they approached him in respect of the decisions taken by the management to avoid misconception on the part of the Union representatives. He has also indicated in the above quoted letter that the entries in the Service Books of the industrial employees have not been countersigned. The non- updating <sup>brought to his notice</sup> of Service Records has also been in the letter quoted above. Even earlier by the Annexure R-1 letter dt. 14.10.1993 bearing No.01125/GM/CON/OFPM/93 the applicant was informed to ~~bring~~ update the service records with necessary postings. As the representation does not contain any remarks regarding the bias of R-3 towards the applicant the reply by R-3 also does not indicate in regard to this aspect. The above remarks of R-3 ~~was put to by DD/A/G indicating the remarks~~ and also his views on the basis of the records. The above noting was sent to DDG/G and Member(Personnel) before it was submitted to R-2. Thus, his representation was seen by three officials before it <sup>was</sup> ~~is~~ put up to R-2.

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Hence, a reasonable conclusion can be drawn that the noting on the file do reveal that the accepting authority has been briefed properly on the circumstances which lead to the grant of adverse remarks to the applicant and on that basis the R-2 has come to conclusion that the adverse remarks need not be expunged. As I stated earlier the adverse remarks is of general ~~in~~ nature. Such remarks cannot be substantiated by records. It has to be seen only from the method of working of the official. R-3 has stated that his replies to the Union is evasive and he points out his fingers to some others when a decision taken by the factory management is questioned. His note updating the Service Records as indicated in the reply is also brought to his notice earlier by letter dt. 14.10.1993. In view of the above, I ~~xxx~~ do not see that the remarks given by R-3 are not borne out of facts. If everything has to be reduced on paper it will be difficult to run the administration. Senior Executive has to look into the performance of the official working under him on the basis of the reports he obtains from various sources and decide whether the officials under him are discharging their duties properly or not. If he comes to the conclusion that there are lapses on the part of the officials working under him, he has to note it in the ACR if there is no occasion to give the concerned official any warning in writing, so as to improve the functioning of the Officer on whom the report is written. In this case the applicant had already been reminded to discharge the duties in regard to updating the Service Records. In view of the above position I do not see anything wrong in the remarks of R-3 as entered in the ACR 1992-93. The accepting officer also has gone through that and taken the advise of his officers in

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the Ordnance Factory Project and had come to <sup>the</sup> conclusion that the adverse remarks entered in the ACR of the applicant for the year 1992-93 are in order. The decision taken is in accordance with the principles laid down by the apex court in the above referred case.

15. It was held in Y 1980(1) MLE 470 - K.Kalyanaraman Vs. Asst. Inspector of Income-Tax Y that a subjective satisfaction is not open to the objective test by the ~~the~~ court. As the accepting official has been satisfied with the remarks entered in the ACR on the basis of the notings and the reply given by R-3, it is not open to the Tribunal to comment on the final decision taken by R-2.

16. In the year 1993-94, four adverse remarks had been entered in the ACR of the applicant as extracted in para-3 supra. Out of four, three are entered by AGM who is the immediate senior to the applicant in the Reporting part of ACR. The only one remark viz. "(c)" has been entered by R-3 in the reviewing part. The remarks entered by AGM are in regard to his ability in inter personnel relations and team-work in "Attributes Chapter" and in regard to his General Assessment in Part-IV - General Chapter. From the above remarks ~~xxxx~~ one can come to a reasonable conclusion that the remarks are made on the basis of observations made during the performance of the duties by the applicant. Here also there can be no detailed record that can be kept to prove these assessments.

Observation of an employee under the working conditions can be noted on the basis of his reactions when a problem is posed to him. Remarks reveal that some observations had been made in the course of working and the senior officer viz. AGM had come to conclusion <sup>to record the same reasons</sup> on the basis of observations made by him during his interaction with the applicant. When such an observations are noted there is nothing wrong in indicating such observation in the ACR regarding performance of applicant. Right course of action has been taken in this case.

17. The applicant had submitted a ten page reply to the adverse remarks given to him. In the representation he dwells elaborately in regard to the bias attitude of R-3 because of which he was given adverse remarks. He has gone to the extent of saying that <sup>R-3</sup> he has influenced his immediate superior official to initiate adverse remarks against the applicant. As regards bias of R-3 against the applicant, the same will be dealt later when that contention is discussed. For the present, the discussion is restricted to see whether a final reply passed by R-2 is on the basis of the material available on record. /

18. R-2 has asked for remarks from the Madak Factory in regard to the representation dt. 31.12.1994 submitted by the applicant for expunging the adverse remarks in the ACR of 1993-94. Detailed remarks on

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various points of adverse entries have been sent by the General Manager. But, it is seen that the remarks on the representation have been given by the Addl. G.M. who is his immediate superior official. The comments consists of three portions viz. in regard to the inappropriateness of the charge of the applicant in regard to bias of R-3 towards him; performance of the applicant in regard to the claim made by him in the sphere of confirmation of the employees of Medak Factory and a general comment on the extract of management literature indicated by the applicant him in his representation. The applicant claims of having done extraordinary work in regard to work of confirmation of the industrial employees. The work pertaining to confirmation is of routine nature. Comparison with what has been done by his predecessors in this sphere depends upon the conditions prevailing at that time. Unless a proper comparison, analysing the various factors in regard to the conditions existed earlier and the present conditions under which the applicant had done excellent work of confirmation, is made, the excellency of work done by him cannot be gauged. No such comparison has been made on the basis of the circumstances prevailing then and now. No proper conclusion can be arrived on the basis of the statistics given by the applicant. Same view has been echoed by the AGM also in his comments on this representation. The above said comment has been forwarded by R-3 by his letter dt. 23.2.1995 bearing No.0118/GM/CR/OFFPM/95. In his forwarding letter R-3

has stated that the allegation of bias against the applicant is only ~~an~~ imaginary and the applicant is <sup>trying</sup> his superiors for ~~concealing~~ <sup>concealing</sup> ~~himself~~ to mislead <sup>his</sup> shortcomings by alleged bias.

He has also commented in regard to confirmation, but he has not added anything more <sup>than</sup> what has been said by the AGM. As a matter of fact, R-3 has said that "Officer is capable of facing

the issues assigned to him like Court/CAT casesXx, holding of trade tests etc." But <sup>he</sup> has to improve in regard to the other spheres like monitoring of stock verification Group functioning etc. R-3 has not made any extraordinary efforts to justify that the applicant is not discharging his duties properly.

A reading of the letter dt. 23.2.1995 <sup>written</sup> ~~addressed~~ by R-3 indicates that it is only a general letter addressed to R-2 forwarding the stand taken by the AGM.

The failure of monitoring of the stock verification group functioning has been brought to the notice of the applicant by letter dt. 17.4.1993 bearing No. 01125/GM/CON/OFFPM/93 (Annexure R-2) and his failure to scrutinise the Service Records was also brought to his notice by letter dt. 3.2.1994 bearing No.01112/GM/RN/OFFPM/94 (Annexure R-3). Hence, it cannot be said that the applicant was given adverse remarks ~~when he was not~~ without informing him earlier in regard to his shortcomings.

/Issue of these letters was not objected to by the applicant.

The remarks on the representation of the applicant, all other factors were reviewed and taken into account ~~and~~ a note was put up on that basis by DD/A/G to R-2 through DDG/G and Member/Personnel. Thus, the remarks have been perused not only by R-2 but also by the other senior officers.



On the basis of those remarks R-2 had come to conclusion that the adverse remarks need not be expunged. Here also it has to be stated that the dictum laid down by the apex court in [ AIR 1991 SC 1216 ] has been fully complied with. Hence, I see no reason to hold that the adverse remarks entered in the ACR and upheld by R-2 for the years 1992-93 and 1993-94 needs review.

19. The second contention of the applicant is that R-3 was biased against him and because of his bias, he had given him bad report. He had also contended that <sup>R-3</sup> ~~he~~ has influenced his immediate superior officer viz. AGM to give him adverse remarks.

20. Whenever bias is attributed to any official, it is but proper to implead that official also by name in the proceedings to fulfil the dictates of principles of natural justice. Though the applicant alleges bias towards him by R-3 he has not impleaded <sup>R-3</sup> ~~R-3~~ by name in these OAs. Hence, it will be incorrect to charge R-3 <sup>for</sup> ~~by~~ bias in the absence of impleading him as one of the respondents by name as it will mean to decide the case behind his back. Hence, on that score itself the case of bias has to be held unsustainable.

21. The applicant relies on the Judgment of Allahabad High Court reported in [ 1984(3) SLR 109 - Mahesh Kumar Vs. State of U.P. and Ors. ] to state that R-2 had relied on the remarks of R-3 in rejecting his claim and hence the rejection is illegal. In the

reported case of Allahabad High Court, the Chief Conservator of Forests who gave adverse remarks in the CRS to the applicant in that case became

appealed for expunging the adverse entries to the Minister the Secretary who earlier gave him the adverse remarks once again put up his recommendations in the same context, Allahabad High Court held that even though ultimate decision was taken by the Minister the Secretary sat on his own judgment and hence disqualified him from dealing with the representation on account of bias.

22. In the representations submitted by the applicant herein for expunging the adverse remarks in the ACR of 1992-93 there is no whisper in regard to bias of R-3 towards the applicant. Hence, the contention of the applicant to ~~extend~~ expunge the remarks on the basis of bias displayed by R-3 for the year 1992-93 does not arise. In the representation against the adverse adverse remarks in the ACR of 1993-94 he has elaborately stated that R-3 was biased against him which resulted in giving him adverse remarks. As the refusal to expunge remarks was done by R-2 on the basis of the recommendations given by R-3x on his representation, the learned counsel for the applicant submits that the final decision taken by R-2 cannot be upheld in view of the observations made by Allahabad High Court. A perusal of the remarks given on the representation shows that the comments on the representation

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was initiated by the AGM and on the basis of his observation and other records available, AGM has justified that there is no case for bias of R-3 towards the applicant. This letter is just forwarded without any further justification by R-3 in regard to question of bias. He had only stated that the superiors to camouflage his inefficiency in working. There are no other recommendations except confirming the remarks made by the AGM. Hence, the letter of R-3 dt. 23.2.1995 addressed to R-2 cannot be construed as a recommendation made to R-2 for retention of adverse entries. Further, the remarks in regard to expunging the adverse entries was examined by three officials viz. DD/A/G, DDG/G and Member/Personnel before the same is put up to R-2 for his final orders. R-2 has taken note of the various circumstances as indicated in the office note and came to the conclusion that there is no need to expunge the adverse remarks. From the notings on the file and also on the basis of the remarks of the AGM, it cannot be said that R-2 was influenced by the remarks of R-3 while forwarding the remarks of the AGM on the representation of the applicant. Hence, this contention also fails.

23. The next contention of the applicant is that petty matters should not be blown out of proportion while writing ACRs. He relies on the judgment of CAT-Chandigarh and reported in X 1990(4) SLR 336 - R.D.Gupta Vs. Union of India and Ors. X. The learned




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counsel for the applicant seem to suggest that the matters in regard to the lapses which lead to grant of adverse remarks in the ACRs are petty and hence inclusion of the same in the ACR is not warranted. In administrative matters, no remarks can be considered as petty if it is going to have some relevance in regarding <sup>to</sup> shaping of the applicant. The shortcomings mentioned in the ACR of 1992-93 is in regard to taking bold decisions. Adverse remarks in the ACR of 1993-94 pertains to shortcomings in regard to ability of the applicant to withstand ~~to~~ stress or tension, exerting <sup>for</sup> in his effective functioning and the necessity to chase him for completing certain duties to be performed by him and his capacity to work as a member of a team to promote teamspirit. The above points in my opinion cannot be considered as a petty matters. Taking bold decisions and creating an atmosphere <sup>to have</sup> ~~where in one will have~~ teamspirit and chasing the officials to get the work done are very important for an executive. These qualities are necessary for efficient functioning of the organisation. If a senior official is <sup>not</sup> endowed with such qualities, the department may have to suffer for letharginess and failure to optimise the output of organisation. <sup>this,</sup> In view of/the shortcomings indicated in the ACRs are justified, and it cannot be said that R-2 has misjudged the remarks as serious ones and hence came to the conclusion that they are to be retained.

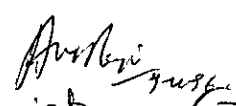
23. The next contention of the applicant is that the applicant is due for promotion to Senior Administrative Grade and in order to spoil his chances for promotion to Senior Administrative Grade the adverse remarks are given in the ACRs. No D.P.C. had been held for assessment of the applicant for promotion to Senior Administrative Grade. Hence, this allegation is premature and no cognizance need be taken for the purpose of disposal of these OAs.

24. The learned counsel for the applicant submits that this Tribunal has powers to set aside the adverse entries if they are found to be inconsistent with the rules as has been done in the case of V.K.Sood Vs. UOI and Ors. in OA Nos.583/93 and 701/94 on the file of CAT, Bombay and reported in Swamysnews of 2/96 in pg.157. The <sup>retention</sup>expunction of adverse remarks has <sup>been</sup> ~~been~~ done <sup>in this case</sup> following reported the principles laid down by the Supreme Court/in AIR 1991 SC 1216 Union of India and Ors. Vs. G.Nambudiri. Hence, I see no illegality in this connection. There is no need for this Tribunal to set aside the adverse remarks as prayed for by the applicant in both these OAs.

25. In the result, I see no merit in these two OAs viz. 1085/95 and 1185/95. Hence both these OAs are dismissed. No costs.

  
( R.Rangarajan )  
Member (Admn.)

Dated 29<sup>th</sup> March, 1996.

  
Dy. Registrar (J)

Contd---

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Copy to:

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Productions and Supply,  
Ministry of Defence, South Block,  
New Delhi - 110 001.
2. Chairman, Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta - 700 001.
3. General Manager,  
Ordnance Factory,  
Yoddymailaram,  
Medak District,  
Andhra Pradesh - 502 205.
4. One copy to Mr.A.Satyanarayana Murthy, Advocate,  
CAT, Hyderabad.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC, CAT, Hyderabad.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHI : MEMBER(A)

HON'BLE SHRI R.Rangarajan : M (A)

DATED: 29.3.96

Stenals

ORDER/JUDGMENT

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

IN

O.A.NO. 1085/95 + 1185/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

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DISMISSED ✓

DISMISSED AS WITHDRAWN

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