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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION No.971 of 1996

date of decision : 16-09-96.

M.A. VIDHYATHARAN

.. Applicant.

Vs

1. The Regional Director,
Directorate of Purchase &
Stores, Hyderabad Regional
Purchase & Stores, NFC,
ECIL Po. Hyderabad-500 062.
2. The Administrative Officer,
Directorate of Purchase &
Stores, Dept. of Atomic Energy,
Vikram Sarabai Bhavan,
Aushakthinagar,
Mumbai-400 094.

.. Respondents.

Counsel for the Applicant : Mr. K.Venkateswara Rao

Counsel for the Respondents : Mr. N.R.Devaraj, Sr. CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

ORDER

Oral Order (Per Hon'ble Shri R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr. K. Venkateswara Rao, learned counsel for the applicant and Mr. N. R. Devaraj, learned counsel for the respondents.


2. The applicant in this OA while working as Store Keeper under R-1 was given adverse remarks in his confidential reports for the year 1993-94 which was communicated to him by the memorandum No. Ref. DPS/HRPU/NFC/CR-95 dated 16-08-95 (Annexure-VI - Page-14 of the OA). He

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submitted his representation to the Regional Director, Directorate of Purchase & Stores against the adverse remarks by his representation dated 18-09-95 (Annexure-VII -page-15 of the OA). His representation quoted above dated 18-09-95 was rejected by the impugned order No.Ref : DPS /14/5/CR/MAV/95-Admn./410 dated 26-10-95 (Annexure-I Page-9 of the OA). This order is challenged in this OA.

3. The learned standing counsel advanced his case on the basis of the draft counter available with him. The first contention of the respondents is that the applicant has not exhausted the normal channel available to him for the redressal of the grievance. The learned standing counsel further submits that he can put in a representation to the Director, Directorate of Purchase and Stores, Dept. of Atomic Energy and as he has not submitted a representation against the impugned order to the Director, his case cannot be admitted.

4. The learned standing counsel further submits that the adverse remarks have been entered so as to make aware of the fact that there is a scope for the applicant to improve upon himself for over-coming defects already noticed. But when the learned standing counsel was asked whether the adverse remarks entered in his ACR for 1993-94 will not be taken cognizance for promotion to the higher grade as the remarks are only advisory in nature, the learned standing counsel submits that he cannot give any reply in this connection. If so it cannot be said that the adverse will not be taken into account for future promotion. Hence, this contention has got no relevance at all to the issue.

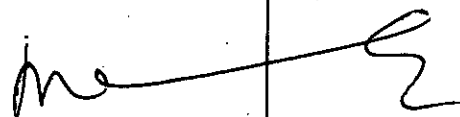


5. A perusal of the impugned order dt. 26-10-95 will indicate that the impugned memorandum has been issued without giving much thought to the contents in the memorandum. In the first place the administrative officer has informed the applicant that any other representation in future will not be entertained on the subject. This would mean that the representation if any submitted by the applicant to the Director will not be entertained. When the respondents' counsel submits that he can approach the Director, for redressal of his grievance, the impugned order is contrary to that submission. It is not known how such submission has been made. In para-3 of the impugned letter it is seen that the adverse remarks will be confirmed if the applicant does not show any definite improvement in his conduct and character. This would mean that the adverse remarks entered is not final but will be confirmed after watching his conduct in due course. This is not a proper reply to a representation to expunge the adverse remarks. Hence, I am of the opinion that the impugned letter does not convey any definite information to the applicant and is very nebulous. Hence this impugned order cannot be sustained and it has to be set aside. However as submitted by the learned standing counsel the Director, Directorate of Purchase & Stores, Dept. of Atomic Energy, Bombay, should re-consider the issue denovo on the basis of his representation dt. 18-09-95 and give a suitable reply to the applicant considering all the facts and circumstances of the case and the other details available in his record. The reply to be given should indicate the reasons for coming to that conclusion.

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6. In the result, the impugned order No.Ref : DPS /14/5/CR/MAV/95-Admn./410 dated 26-10-95 (Annexure-I Page-9 of the OA) is set aside. The Director, Directorate of Purchase & Stores, Department of Atomic Energy, Bombay should re-consider the representation of the applicant dt. 18-09-95 (Annexure-VII Page-15 of the OA) and dispose of that representation in accordance with law taking due note of the facts and circumstances of the case and also the records available in the confidential file/SR of the applicant. A detailed reply if his representation is rejected is to be communicated to him within a period of three months from the date of receipt of a copy of this order taking due note of the observation made as above.

7. The OA is ordered accordingly at the admission stage itself. No costs.



(R.RANGARAJAN)

MEMBER (ADMN.)

Dated : The 16th September 1996.

(Dictated in Open Court)

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Pr. 16/9/96
Dy. Registrar (S)

Copy to:-

1. The Regional Director, Directorate of Purchase & Stores, Hyderabad Regional Purchase & Stores, NPC, ECIL PO, Hyd.
2. The Administrative Officer, Directorate of Purchase & Stores, Dept. of Atomic Energy, Vikram Sarabai Bhavan, Anushaktinagar, Mumbai-94.
3. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

9/10/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

16/9/96

~~ORDER/JUDGEMENT~~

~~R.A./C.P./M.A. NO.~~

O.A. NO.

in

971/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

No Spare Copy

