

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

19

ORDERS OF THE BENCH

Date of Order: 19.04.2012

OA No. 10/2011

Mr. P.K. Sharma, counsel for applicant.
Mr. V.K. Pareek, counsel for respondents.

Heard learned counsel for the parties. O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

K.S.Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 19th day of April, 2012

OA No. 10/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Peeyush Guatam
s/o Shri Y.K.Gautam,
presently working as Assistant Master
of Mathematics, Office of Military School,
Dholpur

... Applicant

(By Advocate: Shri P.K.Sharma)

Versus

1. The Union of India
Through its Secretary,
Ministry of Defence,
New Delhi.
2. The Principal,
Military School,
Dholpur (Raj.)
3. The Director MT-15,
Dte. General of Military Training (MT-15),
General Staff Branch,
Army Headquarters, DHQ PO,
New Delhi.

... Respondents

(By Advocate : Shri V.K.Pareek)

ORDER (ORAL)

This being second round of litigation, as the applicant earlier filed OA No.454/2006 before this Tribunal and the same was disposed of vide order dated 16.2.2010. While disposing of the aforesaid OA, this Tribunal directed the authority concerned to reconsider the case of the applicant in the light of the observations made by the Tribunal and the plea taken by the applicant in his representation dated 31.8.2005 and pass a speaking and reasoned order as to whether the adverse remarks as recorded in the ACR for the period 2004-2005 are required to be maintained or expunged. Although, opportunity was given to the applicant to file substantive OA, if any decision prejudicial to his interest is taken by the respondents.

2. Pursuant to the direction issued by this Tribunal vide order dated 16.2.2010, the official respondents have passed a detailed speaking order dated 29.4.2010 (Ann.A/1) and having considered the representations and after taking into consideration all relevant facts, upheld the adverse remarks recorded in the ACR for the period 1st April, 2004 to 31st March, 2005, which is under challenge in this OA.

3. The learned counsel appearing for the applicant submitted that the respondents have not fairly acted in reconsidering the matter as directed by this Tribunal vide its earlier order dated 16.2.2010 and being prejudiced and biased upheld the adverse



remarks recorded in the ACR of the applicant and thus, the same deserves to be quashed and set-aside.

4. Per contra, the learned counsel appearing for the respondents referred various documents such as Ann.R/1, R/2, R/3 and R/7 to show that performance of the applicant was not up to the mark and despite of verbal as well as written warnings for negligence in performing duty issued to the applicant, no improvement has been seen. Therefore, having considered that the applicant is negligent in discharging the duties, the adverse remarks has been drawn which cannot be challenged on the ground of malafide or bias. Further submitted that the direction issued by this Tribunal in OA No.454/2006 vide order dated 16.2.2010 has been fully complied with by passing a reasoned and speaking order, which requires no interference by this Tribunal.

5. Having considered the rival submissions of the respective parties and upon careful perusal of the material available on record, in my considered view, the detailed order dated 29th April, 2010 (Ann.A/1) passed in compliance of the direction issued by this Tribunal vide order dated 16.2.2010, does not require any interference. The authority concerned has examined each and every aspect of the matter and representations filed by the applicant are also taken into consideration alongwith the relevant facts and there were ample reasons before the respondents to uphold the adverse remarks recorded in the ACR of the applicant for the period from 1st April, 2004 to 31st March, 2005.



6. Consequently, I am of the view that the order impugned requires no interference by this Tribunal and therefore, the OA being devoid of merit fails, which is hereby dismissed with no order as to costs.



(JUSTICE K.S.RATHORE)
Judl. Member

R/