

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BNCH,

JAIPUR

Date of order: 15.01.2003

OA No.44/1999

Sunayan Sharma s/o Pandit Vachasvati Shastri r/o House No.367-C, Nirman Nagar, Jaipur, at present under suspension on the post of Deputy Conservator of Forest, Headquarter, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary, Ministry of Environment and Forest, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi - 03.
2. Secretary to Government, Forest Department, Government of Rajasthan, Jaipur.
3. Secretary to Government, Department of Personnel, Government of Rajasthan, Jaipur.
4. Chairman, U.P.S.C., Shahjahan Road, New Delhi.

.. Respondents

Mr. Virendra Lodha - counsel for the applicant

None present for respondent No.1.

Mr. U.D.Sharma - counsel for the respondent Nos. 2 and 3.

Mr. P.C.Sharma, proxy counsel to Mr. Sanjay Pareek, counsel for respondent No.4

CORAM:

Hon'ble Mr. H.O.Gupta, Member (Administrative)

Hon'ble Mr. M.L.Chauhan, Member (Judicial)

O R D E R

Per Hon'ble Mr. H.C.Gupta, Member (Administrative)

The applicant is aggrieved of the notification dated 12th October, 1998 (Ann.A1), issued by the Govt. of India, wherein the applicant's name does not appear for

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induction in the Indian Forest Service although a number of persons, junior to him as per the seniority list, are included in the said list. In relief, he has prayed for appropriate directions to the respondents to immediately appoint him to the Indian Forest Service (IFS) from the date persons junior to him are so appointed with all consequential benefits thereof. He has also prayed that if the ACR/APAR for the period 1996-97 which has been down graded by the reviewing/accepting authority from 'Very Good' to 'Average' is treated to be adverse material for the purpose of alleged supersession in the matter of appointment in the IFS, the same may be declared as null and void.

2. The respondents have contested this application. The applicant has also filed rejoinder.

3. Heard the learned counsel for the parties and perused the record.

3.1 The contention of the learned counsel for the applicant is that the applicant ought to be graded as 'Very Good' since, to the best of his information, his 5 ACRs out of 7 ACRs considered are 'Very Good'/'Outstanding'. The learned counsel for the respondents submitted that it is not the final grading given in the ACR which is relevant, but as per the rules, it is the DPC who assesses the ACRs and grades each year of the ACR after perusing the complete ACR and the final grading given by the reporting/reviewing officer not of much relevance. The question of assessing the merit based on the grading assessed by the DPC and then placing outstanding persons on the top, very good thereafter and

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good to follow. These submissions were not disputed by the learned counsel for the applicant. The learned counsel for the respondents further submitted that the applicant was assessed as 'Good' only by the DPC and, therefore, he got superseded vis-a-vis his juniors, who were assessed as 'Very Good'.

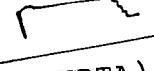
3.2 On the directions of the Tribunal, the respondents produced the ACRs of the applicant as also the minutes of the DPC meeting. It is seen from the minutes of the DPC meeting dated 28.7.98 that the applicant was graded as 'Good' and some of the juniors to the applicant, who were appointed to IFS, were graded as 'Very Good'. We have also perused the ACRs of the applicant. In the ACR for the year 1995-96, although the Reviewing Officer has adjudged him as outstanding officer, but at the same time, he has not given any specific reason for so adjudging him. In fact, against the column seeking comments on whether the officer has any special characteristics or outstanding merit or abilities justifying his advancement and special selection for higher appointment on out of turn basis and, if yes, mention those, the Reviewing Officer has noted as 'nil'. The grading given by the initiating officer against most of the attributes and quality of work is only 'Good' or 'Satisfactory' with general assessment as 'Average'. By and large, the position in respect of ACRs for the year 1994-95 and 1993-94 is similar. In the ACR for the year 1992-93, out of 3 attributes relating to nature and quality of work, against 2, the grading is only 'Good'. Similarly, out of 9 attributes, the grading in respect of 3 of them is 'Just Satisfactory' and against one it is 'Good'. Therefore, the assessment of the DPC in overall

grading the applicant as 'Good' does not call for any judicial interference.

3.3 Even if the ACR for the year 1996-97 is taken as 'Very Good', keeping in view the ACRs of previous years, the applicant could not be overall graded as 'Very Good'.

4. In view of above, this OA is devoid of merit and, therefore, dismissed without any order as to costs.

  
(M.L.CHAUHAN)  
Member (Judicial)

  
(H.O.GUPTA)  
Member (Administrative)