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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, this the 5<sup>th</sup> day of April, 2005

**OA No.480/2002.**

CORAM : HON'BLE MR.A.K.BHANDARI, MEMBER (A)

Suresh Chandra Gupta  
S/o Shri Rameshwar Prasad Gupta,  
Aged about 43 years,  
R/o 267, Gayatri Nagar-A,  
Maharani Farm Durgapura,  
Jaipur.

... Applicant.

By Advocate : Shri Mahendra Shah.

Versus

1. Union of India  
Through its Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block,  
New Delhi.
  2. Central Board of Excise and Customs,  
Through Member,  
North Block,  
New Delhi.
  3. Chief Commissioner of Central Excise  
& Customs, NCRB,  
Statue Circle,  
C-Scheme, Jaipur.
  4. Commissioner of Central Excise  
& Customs, Jaipur-I,  
NCRB, Statue Circle,  
C- Scheme, Jaipur.
  5. Addl. Commissioner (P&V)  
(Accepting Authority)  
O/o the Commissioner of Central  
Excise & Customs Jaipur-I,  
NCRB, C- Scheme, Jaipur.
  6. Shri R. C. Agarwal  
(The then Asstt. Commissioenr (CCU)  
(Reviewing Authority for ACR)  
(presently posted at National  
Academy for Central Excise & Customs &
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Narcotic, Faridabad Haryana.

7. Shri R. C. karnani,  
Superintendent,  
O/o Commissioner Central Excise,  
Commissionerate -Jaipur I,  
NCRB, Statue Circle,  
C- Scheme, Jaipur.

... Respondents

By Advocate : Shri H.C.Bairwa proxy counsel for  
Shri Bhanwar Bagri

**ORDER**

**PER HON'BLE MR.A.K.BHANDARI**

This OA has been filed by the applicant under  
Section 19 of the Administrative Tribunals Act,  
1985, for seeking following reliefs :-

"It is therefore, prayed that this Hon'ble Tribunal pleased be accepted this OA and the impugned communication communicating the entries as an adverse entries, the impugned rejection letter dated 16.5.2000 and impugned rejection of appeal vide impugned order dated 23.8.2002 may kindly be declared illegal and invalid therefore the same may kindly be quashed and set aside with all consequential benefits.

That the impugned action of respondent in denying the promotion to the applicant vide impugned order dated 23.9.2002 because of the said entries may kindly be declared invalid and illegal and therefore the same may kindly be quashed and set aside.

That the entries communicated vide the impugned order dated 28.10.99 may kindly be expunged and the respondent be directed to consider the case of applicant for promotion qua the junior persons who starts from NO.4 in the impugned order dated 23.9.20902, with all consequential benefit by holding review DPC."

2. Brief facts of the case are that the ACR of the applicant for the year 1998-99, when he was

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posted as Inspector, was written adverse by the Reviewing Authority, against which he made representation to the senior office and made a memorial to the President of India but they have been rejected. Due to this he has missed his promotion to the rank of Superintendent. Aggrieved by these, he has filed this OA.

3. Elaborating the facts, it is stated that in 1997 a new office was created for the Chief Commissioner at Jaipur amidst acute paucity of staff and facilities and only four incumbents including the applicant were deployed to run it. The resultant heavy load of work and pendency entailed hard work for everyone. Adequate supporting staff was missing and in this situation detailed notings were drawn in the order sheets, requesting the superior echelons to deploy more staffs. In this connection, letters were also written by Assistant Commissioner (CC Unit) to the Administrative Officer (Headquarter) and to Respondent No.5, Additional Commissioner (P&B). The applicant was posted in this newly created office on recommendation on account of his excellent service record. His immediate superior, the Superintendent (Reporting Authority) appreciated the genuine problems and wrote a favorable ACR, but the Reviewing Authority on



account of his strong bias and ill will in a malafide manner wrote adverse remarks which have caused irreparable loss to him in getting further promotions. It is also stated that because of his near indispensability during this period, despite his transfer order he was not relieved and retained under orders of the Chief Commissioner till suitable substitute joined the CC Unit. This order of the Chief Commissioner is dated 8.12.98 (Annexure A/2). However, during a short period of one week, 3 memos dated 28.12.98, 7.1.99 and 8.1.99 were issued against him by the Reviewing Authority alleging lack of punctuality, bad maintenance of record and large pendency of urgent reports (Annexure A/4), lack of devotion to duty, habit of creating unnecessary work and writing unwarranted notings on the note sheets (Annexure A/6) and coming late to office (Annexure A/7) respectively. It is stated that in none of these memos, the Assistant Commissioner had specified subject, file number, date of unwarranted notings and had also not specified exact date or time when the applicant was unpunctual. All these memos were adequately replied by the applicant by his letters dated 28.12.98 (Annexure A/5) and 8.1.99 (Annexure A/8). In the circumstances of heavy load of work and paucity of staff, additional work assigned to the applicant etc. were mentioned and regarding

unpunctuality it was clarified, that the applicant's immediate superior officer was invariably informed and permission was taken when due to either late sitting in office previous evening or due to official engagement prior to office time he was likely to be late and his immediate superior officer(also the reporting authority) was fully satisfied with his work and conduct but the explanation was of no avail. In these circumstances, the applicant nursed a suspicion that although during his entire service carrier senior officials had ever issued any memo to him and his service record had been consistently satisfactory, on the basis of which he was selected for Audit work by DPC and even in the CC Unit none of his superior officers had ever issued any memo prior to 28.12.98, yet all of a sudden the Reviewing Authority, the then Assistant Commissioner, CC Unit, issued 3 memos within a week's time just before time for writing of his ACR with the intention to spoil his ACR for the year 1998-99. In these circumstances, he requested to higher authorities that his ACR for the year 1998-99 may not be reviewed by the Assistant Commissioner, Shri R. C. Agarwal. But his request was rejected. And as he had expected, his ACR for 1998-99 has been initiated with good remarks by Reporting Authority, but the same has been written

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adversely by the Reviewing Authority. The adverse remarks thus, recorded have been communicated to him by Additional Commissioner (P&B) by letter dated 28.10.99 (Annexure A/3).

4. The applicant then wrote a representation against the adverse entries vide letter dated 15.11.99 (Annexure A/11) stating that the adverse remarks are vague inasmuch as neither details of dates and file numbers of the files of which unnecessary notes were said to be recorded nor dates on which he was found not attending office in time are mentioned. He however, believed that the remarks regarding unwarranted notings have been entered regarding 3 files pertaining to problems being faced by the but addressing grievances of the staff to senior officers on relevant files should not have been considered unnecessary notings by the respondents. It was also explained that the work load of his own desk was so heavy that only a few days after his transfer from CC Unit his charge was bifurcated by the Reviewing Officer himself between two Inspectors. It was also stated that difficulties mentioned by him in these nothings are same as those communicated by the Reviewing Officer himself to the Administrative Officer by his letter dated 16.7.98 (Annexure A/1) and to the Additional Commissioner (P&B) on 16.11.98 (Annexure A/2) under



caption "posting of Sepoys and Photo Copying Man and difficulties being faced regarding Group 'D' officers i.e. Sepoy in contingent staff-regarding". It was also stated that during this period he was transferred to Audit Branch but he was not relieved and administrative responsibilities were assigned to him on 8.6.98 by entrusting work connected with Kar Vivad Samadhan Modvat Alert System, verification of Modvat invoices and various reports and returns despatched weekly, fortnightly and monthly to various Members of the Board. It was in these circumstances that the notings which have been considered by the Reviewing Authority as unnecessary were written. Regarding his lack of punctuality it was stated that to complete this load of work and for maintaining record correctly the applicant usually had to sit late and sometimes come early to office but whenever he arrived late it was due to reasons known to his immediate superior and it was always with his permission. That the Reviewing officer's office was on different floor than his own and attendance Register was inspected by the Reporting Officer and not by the Reviewing Officer. He enclosed photo copies of attendance Register for the month of January 1999 with this representation to show that he had not only marked the attendance like other

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staff members in time but also he had not availed any kind of leave during the period and that there was no complaint about lack of punctuality against him from any quarters.

5. He also wrote representation dated 17.2.2000, 1.3.2000 and 13.3.2000 challenging the above adverse remarks therein also praying that the adverse remarks be expunged because they are vague, not based on facts but they are result of bias of the Reviewing Authority, the record demanded by him has not shown to him etc. In course of this correspondence, applicant was also asked to explain whether he had obtained copies of the note sheets and leaf of attendance Register appended by him with the representation with permission of the competent authority. To this, he replied stating that his immediate superior officer had not contradicted the notings written by him, but he had merely forwarded them, in other words, he had approved his views and in any case these notings were not marked confidential and since they pertained to difficulties of the staff and did not concern other subjects assigned to him, about which none of the superior officers had ever complained verbally or in writing, the adverse remarks are unwarranted. He also drew attention to remarks of his immediate superior, Shri B. S. Chaudhary, the





then Superintendent, CC Unit, in note sheet dated 6.7.98 on file CNOCCU (JZ) TCH/20/98, which reads as under :-

"For god sake worthy AC would like to stop giving such observations on almost all the files for the concerned Inspector who was not faulty at all. Careful scrutiny of file shows that the Inspector by such noting is being punished for the misdeeds of others who have either been transferred or given some other work."

This assertion of the applicant is contained in his representation to Additional Commissioner (P&B) dated 17.2.00 annexed as Annexure A/15. In spite of this representation and concrete evidence submitted by him to the contrary, the adverse remarks recorded by the Reviewing Officer were not expunged and impugned order, dated 16.5.2000 conveying upholding of adverse remarks by competent authority was conveyed to him vide letter dated 16.5.00 (Annexure A/19 A). In the lengthy correspondence over adverse remarks reference has been made to resume of the applicant which he was required to submit along with ACR for the period 1.4.98 to 31.3.99. Whereas applicant claims that he had submitted the same to the initiating authority, the Reviewing Officer has in Part IV of the ACR recorded that the ACR has been submitted without resume. Therefore, applicant pleaded that for the fault of the office of Reporting officer who did not forward the resume to the Reviewing Authority

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he could not be held responsible. In this correspondence he has also requested for personal hearing by competent authority but the same was not granted to him. Thus, he has been denied natural justice. It is further stated that due to non application of mind by the competent authority and by upholding of adverse remarks by him he has been caused irreparable loss in his carrier, as he has missed his promotion to the rank of Superintendent which was ordered vide order dated 23.9.02 (Annexure A/14), although on the basis of satisfactory record of service, he was granted Assured Career Progression related upgradation of pay vide order dated 28.12.01 (Annexure A/13). It is stated that his service record is "Excellent" for the year 1996-97, 97-98 and 99-00 and "Good" for 2001-02, but it is "Adequate" during 1998-99 due to adverse remarks entered by the Reviewing Officer. Vide his letter dated 10.1.2001 (Annexure A/18) he also demanded a copy of Superintendent, Shri Nand Ram's report under whom he had never worked ; but he was made to write adverse report against him for punctuality, but this document was not given to him. He also submitted an appeal to the President of India vide letter dated 18.1.01 (Annexure A/29) and letter dated 12.3.01 (Annexure A/31) but the same were also replied by letter dated 23.8.02 stating that the petitions to the

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President of India have been rejected by the Board (Annexure A/32).

6. Respondents have submitted detailed reply and stated that applicant's superior officers were fully mindful of the difficulties of the newly started office in which applicant was posted and efforts were being made by him to overcome these difficulties but the applicant by again and again writing on the subject which had already been noticed by the higher authorities only busied himself in writing and rewriting the same facts and thereby wasted everyone's time and neglected his normal work and was in fact trying to hide his inefficiency behind these notings. Also that no other staff working with the applicant ever complaint like this. Further that applicant's posting in CC Unit was not done to any recommendation, nor he was retained even after transfer to Audit Branch because of his indispensability but it was entirely due to official exigencies and overall shortage of staff and the Chief Commissioner felt that as and when a suitable officer joined Chief Commissioner officer, applicant would be relieved. Further that ACR is confidential document and the applicant's assertion that his performance has been outstanding is his presumptions and how could he know that the

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Reporting Officer had graded him as outstanding ? It is denied that the Reviewing Officer had no means to find out about the quality of his work because all files were seen by him because as Assistant Commissioner, he was the overall incharge of all the Branches of CC Unit and he was, therefore, in a position to make fair assessment of the capability of his subordinate staff. Therefore, his remarks cannot be considered as based on personal bias against the applicant. The Reviewing Officer is not required to assess the capabilities of supporting staff on the basis of remarks of the Reporting Officer alone and the observations of one are not dependent on other and there were many instances when the Reporting Officer had also cautioned the applicant for his mistakes in the margins of letters and nothing. About unpunctuality also he has stated in the ACR that " No doubt I am wholly satisfied with his work and knowledge, he used to sit late but in the morning he used to come by 10.30am." which proves that applicant was frequently late to work. It is stated that the Reviewing Officer and the Accepting Officer who communicated the adverse remarks to applicant had fully satisfied themselves about the correct facts before communicating the same to the applicant. The Additional Commissioner (P&B) had in fact, obtained the comments including record of

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the office of Assistant Commissioner, on the basis of which adverse remarks had been written before communicating the same to the applicant. He had noticed that on four occasions, the work of applicant was put to question by the Reviewing Authority and his explanations were called by him based on these records on three occasions. Since no improvement in his work was noticed, the adverse remarks were written and subsequently communicated to him. The Reviewing Officer had in file (TZ) TECH 2098 observed that the applicant had been writing these lengthy notes to conceal deficiencies of work. It was also observed that by his dilatory practices he was causing obstruction in smooth functioning of the department. From the perusal of record it is evident that whenever higher officers questioned any delay caused by the applicant he used to write 3 to 4 pages of notes about the shortage of staff and adverse working conditions. This did not stop inspite of sufficient adverse remarks given to him. On such occasions he was also informed that the competent authority was not satisfied with his replies. Since during the reporting year 1998-99 applicant had worked under Assistant Commissioner for 90 days and as per existing instructions Reviewing Officer who have supervise the work of an officer at least for 90 days should assess his performance, his request for

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changing Reviewing Officer was turned down. From the remarks entered by the Reviewing Officer it is clear that he had categorically shown his disagreement with the Reporting Officer's remarks and briefly given the reasons of the same. The documentary evidence shown by the Reviewing Officer and the representation of the reportee were carefully seen by the competent authority (authority higher than the reviewing authority) before rejecting the representation of the applicant which is as per rules. Therefore, it cannot be said that there was no application of mind. Whatever documents are relied upon by the Reviewing Officer were already seen by the applicant and the question of denying copies of the same to the applicant did not arise. In fact this issue was deeply looked into while examining his representations.

7. The matter of promotion is different from the grant of higher pay under ACP Scheme. The DPC for promotion conducts its business on entirely different sets of rules and parameters and his promotion was denied on the basis of findings of the DPC which considered him unfit for it. As far as the gravity of the adverse remarks and weightage given to the same by the DPC is concerned, it is for the DPC to consider the same and it cannot be

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questioned. The allegation of bias against the Reviewing Authority cannot be considered correct especially in view of the facts on record which were noticed by him before entering the adverse remarks. The Reviewing Authority as the supervisor Officer was well within his rights to remark about the dilatory tactics adopted by the applicant. The alleged bias is also not proved because in the same ACR the Reviewing Authority has stated "No doubt he is intelligent Inspector".

8. The allegation that the Competent Authority did not apply his mind to the whole exercise judicially is denied. It is also stated that the applicant tried to over-owe higher authorities by flood of his representations, but as per ACR rules only one representation is allowed against adverse remarks. For the reasons already stated above, his subsequent appeal/memorial was also turned down by the competent authority (the CBDT). It is also stated that although in finality no issue was made against the applicant about using official documents and notings for his personal use because they were not marked confidential but his doing so constitutes official impropriety. The attendance register could not be supplied to him because it was missing ever since it was lost and had not been

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trace to this day and the applicant knew this all the time.

9. The applicant has submitted a lengthy rejoinder and largely repeated the above pleadings, to which a sub joinder has also been filed on the basis of the reply.

10. Parties were heard at length during which original record produced by the respondents was also perused.

11. Learned Counsel for the applicant prefaced his arguments by listing following 8 issues which deserves to be considered while examining the case of adverse remarks. Against each point relevant case law relied upon is also mentioned.

"1. Whether vague averment without earlier communication and without instances can be taken into consideration for making adverse entries : A 1976 SC 1766 (1772); 1999 (7) ST 297; 2005 (1) SLR 213.

2. Whether Reviewing Authority can call explanation without there being a report from reporting officer : 1978 (1) SCC 721; 1976 (1) SLR 378.

3. Whether pointing out shortage of staff and heavy work load and legal noting can be treated unnecessary nothings.

4. Whether after attending office completion of miscellaneous jobs like fax, photo stat work outside office done by petitioner for want of assisting hand's can be treated unpunctuality.

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5. Whether report of Superintendent Nand Ram under whom petitioner never worked can be relied upon more particularly when the reporting officer, immediate incharge never found petitioner unpunctual : 1978 (1) SLR 721 (727); 1978 (1) SLR 829 (834 83); A 1976 SC 1761 -1772.

6. Whether biased entries by biased officer lacking bonafides, could be relied upon or alleged by accepting authority without considering the representation : 1978 (1) SLR 829,

7. Whether stoke (stock) phrase averment like "considered" amounts "due consideration" used while dropping of the appeal without giving reasons can be treated as consideration : 1982 (1) SLR 857.

8. Whether adverse entries could have been recorded without giving personal hearing : A 1987 SC 1436."

On the basis of these, he concluded that in the facts and circumstances of the case, adverse remarks entered by the Reviewing Authority and sustained by the higher authorities deserves to be quashed and when such adverse remarks are not in existence, he should be given promotion from the date his junior was given promotion as Superintendent.

12. Learned Counsel for the respondents, on the other hand, vehemently opposed these arguments and submitted that the stubbornness shown by the applicant in not following the advise of Superior officers justified entering of adverse remarks which are based on well founded documentary evidence which has been referred to in the reply to

the application. He also referred to the case reported vide (1996) 8 SCC 762, State Bank of India and others vs. Kashinath Kher and others, in which it has been held that the object of writing ACRs is two folds i.e. to give an opportunity to an officer to remove deficiencies and to inculcate discipline and secondly it seeks to serve improvement of quality and excellence and efficiency of public service. In light of this, the corrective approach by superior officers are fully justified as in the case of the applicants. In a similar case their Lordship's in the Apex Court decided in State of U.P. vs. Yamuna Shanker Misra and another, reported in (1997) 4 SCC 7, that Confidential Report is to enable an employee to improve his performance in public service in accordance with his fundamental duty to strive towards excellence in all spheres of individual and collective activity. However, there should be complete objectivity in writing confidential report which is primary responsibility of the reporting and reviewing officer and lastly remarks should be accurate and based on facts. It was stated by the respondents that in the instant case the adverse remarks covered these cardinal guidelines propounded by Hon'ble Apex Court. It was also stated that not one but repeated opportunities were given to improve to the applicant regarding the

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matte on which adverse remarks had to be written. Therefore, the applicant has no case for expunging these adverse entries. Also that by repeated representations, the applicant cannot undo the mistakes for which adverse remarks were recorded. Since applicant has failed to establish bias against Reviewing Authority, he has no case for approaching the Tribunal also. Regarding promotion, it is stated that the DPC is well within its rights to decide the frame within which it considers cases for promotion and in view of the adverse remarks their decision to not give promotion was fully justified. Since he failed to fulfill the criteria of suitability he was not given promotion. The respondents gave a copy of written arguments which is placed on the file. A Copy of it was given to the counsel for the applicant also. This record submitted by the respondents consisted of two files namely the ACR Dossier of the applicant, in which ACR for the year 1998-99 was recorded by the Reporting Officer and Reviewing Authority and another file containing notings and correspondence over the representations submitted by the applicant against these adverse remarks. A perusal of these files reveals that the Reporting Authority has assessed the capabilities of the reportee as an officer of high efficiency who is capable of working hard, who is very well

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conversant with rules and procedures, who puts in labour into his work to produce results and at one place he has been called "Workaholic". He is said to have disposed of work far beyond norms has been generally punctual but for the occasions when he had to sit late the previous working day. Regarding ability of noting and drafting it is stated that he writes detailed notes covering all aspects and cannot be faulted in the matters of delay in submitting them. The overall assessment is excellent. The remarks of the Reviewing Authority in this file are as seen on Annexure A/3. The file containing representations against adverse remarks and correspondence thereupon shows that the Accepting authority had called comments and documentary proof for adverse remarks from Reviewing Officer. It was after satisfying himself about the facts on the basis of which adverse remarks were written that the adverse entries were communicated to the applicant. All the representations referred to in the OA have also been carefully examined by this Accepting Authority at length in the noting portion of the file. There is a lot of deliberation at his level over the accessibility of the applicant to the documents including a page of the attendance register copies of which have been annexed with his representation and he was questioned about using official

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documents for his personal use without permission but it is seen that he has not been penalised for this reason because competent authority realised that these files went through applicant's hands a number of time and in any case they are not marked confidential also. He also carefully notice that the fact that resume of own performance by the applicant was not available to the Reviewing Officer when he wrote the adverse remarks but because the same was noticed by the reporting officer when he entered his remarks it was concluded that the applicant was not responsible for it going missing and, therefore, no adverse view of this was taken against the applicant.

13. It is seen by me that the matter was very carefully examined by the competent authority before rejecting the representation of the applicant. Since competent authority had fully satisfied himself in the matter, his application addressed to the President of India was also replied as rejected the Board (CBDT). Therefore, procedurally everything required to be done in this matter of examination of representations against adverse ACR Remarks seems to have been done in this matter. The remarks are neither vague, nor should they have come as surprise because applicant anticipated such remarks or he would not have asked

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to change Reviewing Authority. The Authority had not only called his explanation but also conveyed to him that he was not satisfied with his replies. As superior officer he was well within his competence to call explanation without reference to his immediate superior. Thus most of the 8 points raised by applicant's counsel during arguments are not valid. The case law cited by him also do not help him because of circumstances of the adverse remarks, which are not identical to the circumstances of cases decided by Hon'ble respective Courts.

14. Regarding merits of the remarks, the Tribunal normally does not interfere or act as appellate authority against decisions of administrative authorities unless violation of rules and procedure or malafide on part of officer making adverse entries are noticed by it. On the basis of *and after perusal of the record* ~~xx~~ reply submitted by the respondents I do not find any malafide on part of the respondents. However, it is also true that till July 1998 there were no adverse comments about applicant's work and 3 memos calling explanation have been issued within a period of one week in the month of January, barely two months before time for writing ACRs. However, on the basis of the notings in the files reproduced in the comments of the Reviewing Officer submitted

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by him to the Accepting Authority it is evident that the lengthy notings about the difficulty of the staff were written by the applicant inspite of repeated advise and warning and these appear to have become annoying and irritating to senior officers. It is noted that on two occasions even the Reporting Officer who has given favourable ACR, while appreciating the hard work of the applicant had advised him on file to not write such lengthy notes because his contention has been understood. Therefore, remarks written by Reviewing Officer regarding unnecessary lengthy notes appears to be justified and allegation of bias and malafide is not proved. Further I feel that the competent authority was fully justified in turning down the request of the applicant for changing Reviewing Authority because disagreement on official matters and occasional, difference of opinion on the basis of which superior officers call explanation of subordinate do not become reason of bias and valid ground for changing Reporting / Reviewing Authority of ACR because doing so would completely upset the command and control and smooth functioning of the organisation and it would not be conducive to good discipline also. Besides, for the reason that the applicant had worked for more than 90 days under him the Reviewing Authority was rightly continued. Adverse remarks regarding punctuality similarly

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appears justified but without going into the controversy of missing attendance register about which Superintendent Shri Nand Ram also submitted a report, it is felt that the Reviewing Authority should have taken lenient view over it in light of the fact that in the ACR itself Reporting Authority has remarked that " He used to sit late but in the morning he used to come by 10.30am." More so because this sentence is preceded by remark "No doubt I am wholly satisfied with his work and knowledge". Also, while having regard to the fact that applicant's past records seems to be satisfactory and the problems arose only after his posting to the CC Unit Branch which was newly created and was not fully staffed at that time and proper distribution of work had also not been done, lighter view of the mistakes of the applicant during these three or four months which formed the basis of these adverse remarks should have been taken.

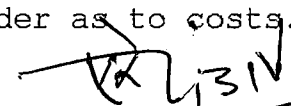
15. It is well understood that the purpose of writing ACR is to take an overview of the performance of work of the employee in the preceding one year and also to motivate him for good work in the future by pointing out his shortcomings. With these objectives, the adverse remarks are also categorised as advisory only and

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those which stick and become permanent. In the circumstances of this case, there is no violation of rules or malafides behind adverse remarks and I am inclined to direct the respondents to consider these remarks as advisory and not hold them against the applicant as a permanent blot in his carrier. The respondents are, therefore, further directed to review his case for promotion in the year 2002 by holding a review DPC and promote him to the rank of Superintendent from the date his immediate junior was promoted, if objective assessment of his service record so justifies. This exercise should be completed by the respondents within 3 months of the receipt of this order.

16. With the above directions, the OA is partly allowed with no order as to costs.

  
(A. K. BHANDARI)  
MEMBER (A)