

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.116 of 1999

Jabalpur, this the 30th day of January, 2003.

Hon'ble Mr.R.K.Upadhyaya, Member (Admnv.)

G.R.Meena, son of Shri S.L.Meena,
aged about 36 years, Superintendent
of Police, Jhabua, Distt. Jhabua (MP)

-APPLICANT

(By Advocate- Mr. Sanjay Ram Tamrakar)

Versus

1. Union of India through
the Secretary, Ministry of Home
Affairs, Government of India,
North Block, New Delhi.
2. Director, Sardar Vallabh Bhai Patel,
National Police Academy, Hyderabad
(A.P.)

-RESPONDENTS

(By Advocate- Mr.B.Dasilva)

ORAL ORDER

The present application has been filed seeking direction to quash the impugned memo dated 19.12.1992 (Annexure A/15) by which adverse remarks recorded in the Annual Confidential Report of the applicant has been communicated. The applicant has also assailed the letter dated 24.4.1998 (Annexure A/20) by which his request for expunction of the said adverse remarks has been rejected.

2. It is stated by the applicant that on the basis of 1988 Civil Services Examination conducted by the Union Public Service Commission, he was selected for Indian Police Service. He completed his Foundational Course at Mussorie and reported for further training at Sardar Vallabh Bhai Patel National Police Academy, Hyderabad on 27.12.1990 for 94 weeks' training, which was completed

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on 10.10.1992. The applicant was posted as Sub-Divisional Officer (Police) Lanji, District Balaghat on 11.11.1992. Thereafter he was assigned further posting. According to the applicant, the Deputy Director of basic courses of Sardar Vallabh Bhai Patel National Police Academy, Hyderabad was very much prejudiced to the applicant. It was in this background that the applicant received D.O. letter from Assistant Director of SVP NPA Hyderabad dated 19.12.1992 (Annexure A/15) and the applicant was communicated adverse remarks in the final Assessment-cum-Confidential Report for the year 1990-91 and 1991-92 to the following effect:-

"He started of his training in the right spirit but subsequently involved himself in an incident at Bombay which indicates that the probationer is of doubtful integrity and lacks the qualities required of a public servant. (A detailed report has been submitted to MHA on the incident.) The officer has no qualms in using his authority for personal and unscrupulous ends. He is not fit to hold any office of responsibility and will have to be under constant watch. RATING: POOR."

"I agree with the assessment. An incident came to notice where he misused his position and used devious means. Stern disciplinary action against him was recommended. The matter is pending with the MHA."

The applicant preferred a representation for expunction of the adverse remarks, which has been rejected by impugned letter dated 24.4.1998 (Annexure A/27). It is pointed out by the learned counsel of the applicant that the adverse remarks are based on the incidence at Bombay for which separate proceedings were initiated against the applicant. The applicant was issued a charge sheet dated 21.3.1994 (Annexure A/20). The learned counsel for the applicant invited attention to the reply filed on behalf of the respondents on 5.08.2002 with the report of Enquiry Officer, in their departmental proceedings has been filed where the Enquiry Officer has held that the charges against the applicant were not proved. The learned counsel

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for the respondents stated that this enquiry report has been accepted by the Disciplinary Authority. In view of the fact that basis for issuing of adverse remarks no longer survive, the adverse remarks deserve to be expunged. It is, therefore, ordered that the adverse remarks in the A.C.R. for the year 1990-91 and 1991-92 as communicated by letter dated 19.12.1992 (Annexure A/15) be expunged from the ACR of the applicant. This exercise should be completed within a period of three months and consequential benefit, if any, should be granted within the same period. It is clarified that the letter communicated the rejection of the representation of the applicant against the adverse communication of the adverse remarks as communicated to him by letter dated 24.4.1998 (Annexure A/27) will automatically stand quashed.

3. In view of the directions given in the preceding paragraph, this O.A is allowed without any order as to costs.

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(R.K.Upadhyaya)
Member (Admn v.)

पृष्ठांकन सं ओ/व्या..... जबलपुर, दि.....
 प्रतिलिपि अच्छे हितः—

(1) सर्विन राज्य विवाह विद्या विद्यालय, जबलपुर
 (2) अमेली विद्यालय, जबलपुर
 (3) एकादशी विद्यालय, देव काशील
 (4) लोका विद्यालय, जबलपुर विद्यालय
 सुन्नना एवं आदरण्यक विद्यालयी द्वारा

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Mr. R. Gangadhar Adit
 R. Adit Adit. Adit
 उप राज्यविद्यालय
 4/2/65