

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 682 of 1998

Jabalpur, this the 9th day of July, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Shri Krishna Katariya, son of
Shri Ramcharan Katariya, Head
Clerk, Divisional Railway Manager's
Office, Central Railway,
Bhopal (MP)

APPLICANT

(By Advocate - Shri A.K. Tiwari for Shri Sanjay Yadav)

VERSUS

1. Union of India, through its
General Manager, Central
Railway, Mumbai, C.S.T.
2. Divisional Railway Manager,
Central Railway, Bhopal (MP)
3. Senior Divisional Personnel
Officer, Central Railway,
Bhopal (MP)

RESPONDENTS

(By Advocate - Shri S.P. Sinha)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

By this Original Application the applicant has challenged the adverse remarks recorded for the period ending 31st March 1996.

2. The brief facts of the case is that during the relevant period the applicant was working as Head Clerk in the office of DRM(E), Bhopal. For the year ending 31st March 1996 an adverse remarks given to the applicant was communicated vide letter dated 10.1.1997 (copy Annexure A/3). The adverse remarks were on 9 items.



The applicant made a representation Annexure A/4 on 3.2.1997. The reviewing authority i.e. DRM(P), Bhopal expunged the adverse remarks granted on 3 items vide communication, Annexure A/5. The applicant has thus come against the non-expunction of adverse remarks recorded in six items.

3. Several grounds have been taken to challenge the adverse remarks recorded against the applicant. It has been submitted that the officer who gave the adverse remarks was not authorised as the applicant has not worked under him for the required period. It is also submitted that no advice note, memo or warning letter was ever given to the applicant prior to recording of the adverse remarks.

4. The learned counsel for the respondents, has on the other hand submitted that the representation of the applicant was considered by DRM who had also seen the work of the applicant and thereafter maintaining the adverse remarks in respect of the 6 items expunged 3 adverse remarks. The review was also rejected.

5. We have heard the learned counsel for the parties at length. We got the sealed cover opened to find out ourselves the original ACR by which the applicant was given adverse remarks. As per the OA the applicant worked during the year from 1st April 1995 to 31st March 1996 under three Assistant Personnel Officers namely Shri A.L. Rajput, Shri T.N. Bhosley and Shri A.K. Tiwari. The details are recorded in para 4.4



: 3 :

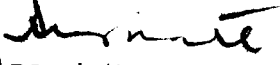
which is as below :


From 18.11.1993 to 29.6.1995 - Shri A.L.Rajput
From 29.6.1995 to 25.3.1996 - Shri T.N.Bhosley
From 25.3.1996 to 4.4.1997 - Shri A.K.Tiwari.

The above period is not denied in reply.

6. From this it appears that the applicant had worked from 29.6.1995 to 25.3.1996 under Shri T.N. Bhosley and for one day less to 3 months under Shri A.L. Rajput. The applicant worked for only 7 days from 25.3.1996 to 31.3.1996 under Shri A.K. Tiwari in the relevant financial year. On perusal of the ACR we find that the ACR has been recorded by Shri A.K. Tiwari under whom the applicant has worked for 7 days only in the relevant year. On this count only the ACR recorded by Shri A.K. Tiwari cannot be sustained and the OA has to be allowed. The learned counsel for the respondents submitted that as Shri T.N. Bhosley had been transferred, ACR was recorded by Shri A.K. Tiwari. Even if that be so the ACR for the relevant period, could have been obtained from Shri T.N. Bhosley who was only transferred. Shri A.K. Tiwari cannot be said to be a competent person to record ACR for the year ending 31st March 1996.

7. In view of the discussions made above the OA is allowed and the adverse remarks recorded in the ACR of the applicant in the year ending 31st March 1996 shall be expunged and shall not be kept on the service records of the applicant. No costs.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman (J)

"SA"

पूरांकन सं अ/न्या.....जबलपुर, दि.....

पतिनिधि

- (1) राधिय, उदा...
- (2) आदेश...
- (3) प्रत्ये...
- (4) बां...

S. yadav
S. P. Sarda

सूचना एवं आवश्यक कार्यवाही हेतु

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रजिस्ट्रार 15/7/03

Issued
on 15.7.03
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