

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

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APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p>24-5-2011</p> <p>OA. 407/2009</p> <p>Mr. Ramesh Chand, Counsel for applicant. Mr. Hawa Singh, Counsel for respondents.</p> <p>Argument heard. The OA stands disposed of by a Separate Order.</p> <p>Anil Kumar, (Anil Kumar) Member (A)</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this is the 25th day of May, 2011

ORIGINAL APPLICATION NO. 407/2009

CORAM

Hon'ble Mr. Anil Kumar, Administrative Member

Ajay Kumar Nigam S/o Shri J.P. Nigam, Aged about 49 years,
resident of 2135 Kasari Nadi, Railway Colony, Ramganj, Ajmer.

.....Applicant

(By advocate : Mr. Ramesh Chand)

1. Union of India through General Manager, North West Railway,
jaipur.
2. Divisional Rail Manager, North West Railway, Ajmer.
3. Divisional Singal Tele Communication Engineer (DSTE),
Divisional Rail Manager Officer, Ajmer.
4. Senior Section Engineer (Tele) Under Divisional Rail Manager,
North West Railway Office, Ajmer.

.....Respondents

(By Advocate: Mr. Hawa Singh)

This is the second round of litigation. In the earlier OA No. 441/2007 this Tribunal vide order dated 23/04/2009 issued the following directions to respondents No. 2:

- " 5. I have heard the rival submissions and perused the record. After perusal of the order of the DRM (Ann. A/2) I find that he had passed a cryptic order. Therefore, it is considered necessary to direct respondent No. 2 to pass a detailed, speaking and well-reasoned order. For this

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purpose, the applicant is directed to submit a self-contained representation again to the DRM mentioning all the facts given in this OA alongwith his self-appraisal report given in the ACR, within a period of one month from the date of this order and respondent No. 2 is directed to pass a reasoned and speaking order after considering the representation of the applicant as well as memos given by the reporting officer and also the replies submitted to the memos by the applicant, already referred to in this order. The applicant will also be at liberty to approach this Tribunal again if he feels aggrieved by the order to be passed by respondent No. 2 on his representation."

In compliance of this order the respondent No. 2 passed a speaking order which is Annexure A-1 of the present OA.

In the present OA the applicant has sought the following relief:

- "(i) Allow the original application in the interest of justice and fair play and impugned order of Annexure A/1, Annexure A/2 and Annexure A/3 may please be quashed and set aside.
- (ii) Any order or direction which this Hon'ble Tribunal deems fit proper in the facts and circumstances of the case may kindly be passed in favour of humble applicant.
- (iii) Cost of the suit may kindly be awarded in favour of applicant."

In OA the applicant has narrated that various incidents and events on which he performed the duties during the period under report i.e. 01/04/2006 to 31/03/2007. His main contention is that the Senior Section Engineer (Tele) Respondents No. 4 was Sr. Supervisor of Ajmer Division Telecom assets, and Vice-Chairman of Uttar Paschim Railway Mazdoor Sangh, GLO Branch. The behaviour and attitude of Sr. Section Engineer (Tele) was very rude, arrogant

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and uncivilized. Respondent No. 4 was biased and prejudiced and was inhabit to create obstruction in smooth working of humble applicant. As under Annexure A/7 Shri Bhura Khan was deputed to assists the work, by Respondent No. 3, but Respondent No. 4 withdrawn him without any reasonable and probable cause. Similarly Chokidar was also withdrawn.

Applicant has further stated that the Reporting Officer has emerged adverse remarks objectively and not subjectively with lateral motive to ruin the future carrier of humble applicant. Adverse report reveals that reporting Officer does not know how to fill-up ACR and further he has committed number of irregularities. He had over-looked and violated the instructions printed on ACR format. Order passed by Respondent No. 2 vide Annexure A/1 is not in conformity with the direction by the Hon'ble Tribunal as respondent No. 2 has not passed detailed, speaking and well-reasoned order on the representation dated 25/05/2009 (Annexure A/5). Therefore the applicant has requested that Annexure A/1, Annexure A/2 and Annexure A/3 may be quashed and set aside.

The respondents have filed their reply. The respondents stated that the bare perusal of the OA and material present on record reveals that the applicant has failed to make out any case, so has to invoke the jurisdiction of this Hon'ble Tribunal. The Hon'ble Tribunal had directed the applicant to file a representation against the adverse ACR, but the applicant has submitted appeal against the adverse remarks in Confidential Report. That the DRM has correctly mentioned in his order dated 11/06/2009 (Annexure A/1) that charge-sheet and warning letters were issued to the applicant. In appeal punishment were reduced to warning on the assurance in appeal to Appellate Authority that he will improve in future. The overall working of the applicant is not satisfactory. The charge-sheet dated 25/12/2005 and 15/12/2006 issued to the applicant, but punishment and warning issued during the period under report i.e. from 01/04/2006 to 31/03/2007. The overall working of the applicant was

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not satisfactory during the reporting year 01/04/2006 to 31/03/2007. The order of DRM, Ajmer (Annexure A/1) is reasoned and speaking order.

The object of writing the Confidential Report or Character Role of a government servant and communication of the adverse remarks is to afford an opportunity to the concerned officer/employee to make amendments to his remiss; to reform himself, to mend his conduct and to be disciplined. This is to improve his efficiency in public life.

The respondents have submitted that it is pertinent to mention here that the work and performance of the applicant was not up to the mark during the reporting year 2006-07 and to establish this fact the documents relating to the behaviour and the standard of the working of the applicant are speaking in itself about his devotion towards duty which are filed herewith as Annexure-R/3 dated 2.8.2006 and Annexure-R/4 dated 7.8.2006 and Annexure-R/5 dated 8.8.2006 and Annexure-R/6 dated 31.8.2006 and Annexure-R/7 dated 1.8.2006/5.9.2006 and Annexure-R/8 dated 19.9.2006 and Annexure-R/9 dated 24.11.2006 and Annexure-R/10 dated 10.3.2007 and Annexure-R/11 dated 27.10.2006.

The respondents have submitted that the OA has no merit therefore it may be dismissed with cost in favour of the answering respondents.

Heard the learned counsels for the parties and perused the documents on record. The learned counsel for the applicant argued the same facts as he has taken in the present OA, He argued that reporting officer was biased against the applicant that while recording his views in the ACR he did not follow the instruction printed on ACR format. The ACR had not been filed up objectively during the period under report. Applicant performed his duties with full devotion and


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sincerity. Whatever the work was assigned to him from time to time was performed by him promptly and efficiently.

Learned counsel for the respondents argued that this Tribunal had directed the respondents to consider representation filed by the applicant and pass a detailed, speaking and well-reasoned order. The respondents are fully complied with the direction of this court. The DRM, Ajmer has passed a detailed, well-reasoned and speaking order on the appeal filed by the applicant which is Annexure A/1.

That the during the period under report the applicant was issued various letters indicating shortcomings of the applicant which have been remarked as Annexure R/3, R/4, R/5, R/6, R/7, R/8, R/9, R/10 and R/11 which were all issued during the period under report i.e. 01/04/2006 to 31/03/2007 which shows the work and conduct of the applicant was not up to mark during the period and the reporting officer has correctly assessed the applicant.

A perusal of the order passed by the DRM, Ajmer (Annexure A/1) shows that is a speaking and detailed order based on the facts. I do not find any illegality, irregularity or infirmity in this order. Besides various documents submitted by respondent shows that the work and conduct of the applicant during the period under report was not satisfactory. Therefore I am to the view that there is no ground for my interference in the ACR awarded to the applicant for the year 2006-2007. Thus this OA has no merits and is dismissed with no order as to cost.


(Anil Kumar)
Member (Admn)

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