

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER-SHEET

ORDERS OF THE TRIBUNAL

23/01/2014

O.A. 304/2012

Mr. C.B. Sharma, counsel for the applicant.

Mr. D.C. Sharma, counsel for the respondents.

Heard the learned counsel for the parties.

The O.A. is disposed of by a separate order on separate sheets for the reasons recorded therein.


(G. George Paracken)
Member (J)

Vv

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 304/2012

Date of order: 23/01/2014

CORAM

Hon'ble Shri G. George Paracken, Judicial Member.

S.S. Saraswat Son of Late Dr. J. S. Sharma aged about 47 years, resident of 111/453, Mansarover, Jaipur and presently working as Assistant Hydro-geologist, Central Ground Water Board (Western Region), Jaipur.

.....Applicant

Mr. C.B. Sharma counsel for the applicant.

V E R S U S

1. Union of India through Secretary, Ministry of Water resources, Shram Shakti Bhawan New Delhi.
2. Chairman, Central Ground Water Board, Central Head Quarter Office NH-IV, Faridabad-121001.
3. Member (SML), Central Ground Water Board, Central Head Quarter Office NH-IV, Faridabaad-121001.
4. Regional Director, Central Ground Water Board, (Western Region), 6-A, Jhalana Doongari, Jaipur.

.....Respondents.

Mr. D.C. Sharma, counsel for the respondents.

O R D E R

The applicant has challenged the impugned letter (Annexure A/1) dated 11/04/2012 by which Regional

Director, Central Ground Water Board (CGWB for short), Western Region has informed him that his representation against the downgrading in his APAR for the year 2010-11 has been considered by the Appellate Authority i.e. Chairman, CGWB but he had fully agreed with the grading given by the Reviewing Authority.

2. The brief facts of the case are that applicant was given the grading of 6 out of 10 by the Reporting Officer but the same was reduced to 4 by the Reviewing Officer. Against the said downgrading given by the Reviewing Officer, he made a detailed representation dated 06/12/2011 to Shri Shushil Gupta, Member (SML). But the same was rejected by the Chairman, CGWB as stated in the impugned Annexure A/1 letter dated 11/04/2012.

3. According to the respondents the Accepting Authority of the applicant is Chairman, CGWB and accordingly his representation was sent to Member (SML). Thereafter, the Chairman sought comments of the Regional Director and after considering the same, he rejected his representation and said the decision was conveyed to the applicant vide the impugned letter dated 11/04/2012.

4. The learned counsel for the applicant has submitted that the aforesaid decision of Appellate Authority is quite arbitrary as the same was taken without considering his representation properly. He has also stated that the Appellate Authority has not applied its mind but simply rejected his representation.


5. I have heard the learned counsel for the applicant Shri C.B. Sharma and learned counsel for the respondents Shri D.C. Sharma. The APAR of a government employee is a very crucial document in his career. In many cases, it determines his future career. Therefore, the Reporting and Reviewing Officers have to take extreme care while grading an officer. In this case the Reporting Officers grading was reduced by the Reviewing Officer. The applicant has made a representation against the said downgrading to the Appellate Authority. While considering the said representation, the Appellate Authority was required to apply its mind and to take an appropriate decision. While taking such a decision there shall also give reasons for doing so.

6. However, the perusal of the impugned order does not give any indication whether the Appellate Authority has given proper consideration to the applicant's representation. It simply says that the Appellate Authority considered the representation based on the comments of the Reviewing Officer and rejected the same. It does not contain any reason as to why the averments made in representation were not acceptable to the Appellate Authority.

7. I therefore allow this O.A. Consequently, the impugned (Annexure A/1) order dated 11/04/2012 is quashed and set aside. I further direct the Appellate Authority/Accepting Authority who is the Chairman, C.G.W.B. to re-examine the representation of the applicant dated 06/12/2013 and to pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. However, if the order so passed by the Appellate Authority is not favourable to the applicant, he

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Appellate

is at liberty to file a fresh O.A. challenging the said decision.
There shall be no order as to costs.


(G. George Parackal)
Member (J)

Vv

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