

30/100 3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 153/95.....

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SECTION OFFICER (Judl.)

Kalish
5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: : GUWAHATI : 5

ORIGINAL APPLICATION NO: 153195

MISC. PETITION / REVIEW APPLICATION CONT. PETITION NO.

~~Anil...A...K...D...~~ APPLICANT(S) !
VERSUS

..... 26. Oct. 90. RESPONDENT(S)

17.8.95 Mr Adil Ahmed for the applicant
Mr S.Ali,Sr.C.G.S.C for the
respondents.

This application is in
form and within time.
S. F. of Rs. 50/-
deposited vide
IPO/BD No. 326157
Dated 11-8-95

Learned counsel for the applicant desires to amend the O.A. which is not yet admitted. Leave granted. Amendment to be carried out within 1 week. The matter pertains to Single Bench.

Adjourned to 30.8.1995 before
Single Bench for admission.

Member

Vice-Chairman

~~PL~~ pl. communicate the order

22/8.

Pg

30.8.95

Mr Adil Ahmed for the applicant.
Mr S.Ali,Sr.C.G.S.C for the
respondents on notice.

The O.A. is admitted and taken up for final orders.

The O.A. is allowed in terms of the order. No order as to costs.

Vice-Chairman

Amended copy of title
page, page No. 4 of application
and page No. 12-15 v- drawing.

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pg

Copy of order dated 30.8.95

received from the judicial

Section

Sub Sh

Advocate 8.9.95
(Advocate for the applicant)

Copy to Mr. S.Ali S.G.G.S.C

Received by me.

Sub Sh

8.9.95

27.11.95

copy of only Order dtd.

30.8.95 issued to the
counsel of both parties

order d/No. 5102-03

Dtd. 28.11.95.

g/b

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI-5,

O.A. NO. 153 of 1995.
~~XXXXXX~~

DATE OF DECISION 30-8-1995.

Shri Anil Kumar Das

(PETITIONER(S)

Mr Adil Ahmed

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Mr S.Ali, Sr.C.G.S.C

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN

~~XXXXXX~~

1. Whether Reporters of local papers may be allowed to see the Judgment ? yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Yes

No

M.G.Chaudhary

Judgment delivered by Hon'ble Vice-Chairman.

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 153 of 1995.

Date of Order : This the 30th Day of August, 1995.

Justice Shri. M.G. Chaudhari, Vice-Chairman.

Shri Anil Kumar Das,
Draftsman Grade II,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15. Applicant.

By Advocate Shri Adil Ahmed

- Versus -

1. Union of India
represented by the Director General of Works,
C.P.W.D., Nirman Bhavan,
New Delhi-110011.
2. The Superintending Engineer,
Assam Central Circle,
C.P.W.D., Guwahati-21.
3. The Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

By Advocate Shri. S. Ali, Sr.C.G.S.C.

O R D E R (FOR ADMISSION)

CHAUDHARI J. (V.C.)

Heard Mr Adil Ahmed for admission. In my opinion the O.A. can be disposed of at this stage itself. O.A. is formally admitted. Mr S. Ali, Sr.C.G.S.C waives notice for the respondents. In the facts of the case written statement dispensed with. O.A. taken up for final orders.

2. The applicant is working as Draftsman Grade-II in the Assam Aviation Works Division, C.P.W.D., Guwahati. He was served with the memorandum dated 30.6.93 (Annexure-1) conveying the adverse remarks in the assessment report relating to the period from 8.1.91 to 31.3.91. The adverse remark casts a

contd... 2..

bill

doubt on his integrity. According to the applicant this remark is ~~fully~~ ^{wholly} unjustified and unwarranted and it was also communicated after a long lapse of time. The memorandum itself stated that if so desired the applicant may submit a representation against the adverse remarks conveyed thereunder within 45 days from the date of its communication. The applicant submitted his representation on 23.7.93, (Annexure-1(a)). After pointing out various circumstances he stated in the said representation that he vehemently protests against the adverse remark regarding his integrity and requested that the same may be withdrawn or expunged. The representation was addressed to the Superintending Engineer, Assam Central Circle, C.P.W.D., respondent No.2 through the Executive Engineer. The Executive Engineer forwarded the same on 21.4.94 to the Superintending Engineer for necessary action, vide Annexure-2. The applicant sent a reminder on 20.4.94 and requested for early redressal of his grievances. Further representation dated 13.6.94 was forwarded ~~was forwarded~~ to respondent No.2 by the Executive Engineer on 14.6.94 vide Annexure-2(a). Another representation was forwarded ^{by} to the Executive Engineer ^{to respondent no.1} on 26.12.94 vide Annexure-2(b). In his forwarding letter the Executive Engineer made a request to respondent No.2 that the case of the applicant be decided urgently as he was suffering undue hardship for want of non-clearance of his E.B. case and his representation was still pending. Similar request was made by the Executive Engineer in his letter to the Chief Engineer (NEZ) dated 22.4.95 forwarding yet another representation of the applicant dated 21.4.95 to him. Annexures 2(e) and (f) show that the Executive Engineer had also requested the Executive Engineer (HQ) and the Superintending Engineer, Delhi Central Circle-VIII, C.P.W.D to decide the representations

well

contd. 3....

of the applicant early. It was pointed out that the the Engineering Drawing Staff Association was pressing hard for finalisation of the applicant's E.B. case. Inspite of the aforesaid communication the respondent No.2 or the superior authorities have not still disposed of the representation of the applicant on merits which was initially filed on 23.7.93. A period of two years has already elapsed and it is unfair to the applicant to deny him the advantage of early decision on his representation. That there has been some urgency in the matter as has been pointed out by the Executive Engineer to the superior authorities time and again. ~~cannot be lost sight of.~~ That the applicant has still to know the fate of his representation. Unless the representation is decided by the concerned authorities after considering the grounds pointed out by the applicant for withdrawal or expunging of the adverse remarks it is difficult for this Tribunal also to go on merits of the claim of the applicant and speedy relief thus cannot be available to the applicant.

3. I am therefore satisfied that it is fit case in which the representation of the applicant should be directed to be disposed of early.

4. In the result, the respondent No.2 is directed to decide the representation of the applicant initially filed on 23.7.93 together with the ^{subsequent} ~~consequent~~ representations on merits within a period of 2 months from the date of receipt of copy of this order by him. The decision taken shall ^{be} communicate to the applicant as soon as it is taken. If the applicant is aggrieved by the said decision he will be at liberty to pursue his remedies in accordance with the law as he may be advised including approaching this Tribunal for relief.

hell

contd. 4....

✓ O.A. is accordingly ^{partly} allowed. No order as to costs.
Copy of the order be supplied to the learned Advocate
of the applicant as well as to Mr S.Ali, Sr.C.G.S.C.

M.G.CHAUDHARI
(M.G.CHAUDHARI)
VICE-CHAIRMAN

9

28 AUG 1995 IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
 440 GUWAHATI BENCH AT GUWAHATI

O.A. No. 153 of 1995

Anil Kumar Das

..... Applicant

-Vs-

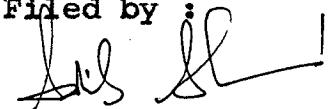
Union of India and Others

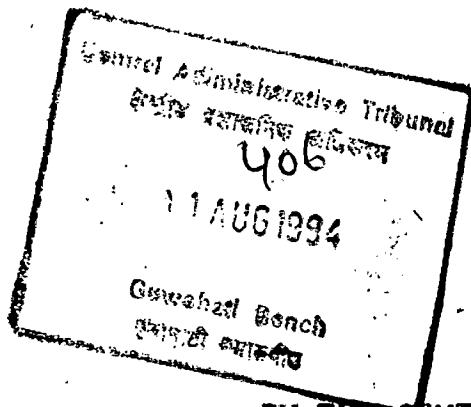
..... Respondents

I N D E X

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Filed by :


 Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH AT GUWAHATI

O.A. NO. 153 OF 1995

Anil Kumar Das

.... Applicant

-Vs-

Union of India and others

.... Respondents

I N D E X

S1.No.	Particulars	Pages
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Received copy
S. C. S.
11/8/95

Filed by
Advocate 11.8.95

Filed by
Anil Kumar Das
Advocate
11.8.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI

Application under Section 19 of the Administrative Tribunal
Act, 1985.

Case No. O.A. of 1995

Between

Anil Kumar Das ... Applicant

-Vs-

Union of India and others

.... Respondents.

1. Details of the Applicant

I. Name of the applicant :- Shri Anil Kumar Das

II. Father's name :- Late Chintaharan Das

III. Designation & Office :- Draftsman Grade II.
in which employed. Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

IV. Address for Service of
all notices :- Assam Aviation Works Division
C.P.W.D., Guwahati-15.

2. Particulars of Respondents

1. Name and/or designation
of the Respondents :- 1. Union of India,
represented by the
the Director General of
Works, C.P.W.D., Nirman Bhavan,
New Delhi-110 011.
2. The Superintending Engineer,
Assam Central Circle,
C.P.W.D., Guwahati-21.
3. The Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

3. Particulars of the order against which the
application is made.

The application is filed for Expunction of Adverse remarks in confidential Reports of applicant's for the period from 8.1.91 to 31.3.91 vide letter No.5(7)/ACC/AR/Conf/175 dated Guwahati the 30th June, 1993 passed by the Executive Engineer (HQ) Assam, Central Circle, C.P.W.D., Assam Aviation Works Division.

4. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation.

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1983.

6. Facts of the Case:

The facts of the case are given below :-

6.1 That your applicant is an Indian citizen by birth and as such he is entitled to all the rights and privileges guaranteed under the Constitution of India.

6.2 That your applicant was appointed as Draftsman Grade 4/III in the Assam Aviation Works Division, C.P.W.D. Guwahati Airport on 24.12.64. He rendered his service there upto 1987 without any blemish. In 1988 he was transferred and posted at Assam Central Circle, C.P.W.D. Bamunimaidan at Guwahati as Draftman Grade II and he served there till December, 1990 to the entire satisfaction to the Higher Authorities. He was transferred from Assam Central Circle,

C.P.W.D., Guwahati to Assam Aviation Works Division, C.P.W.D, Guwahati Airport and he joined in the Assam Aviation Works Division, C.P.W.D., Guwahati Airport on 8.1.91 after being relieved from the office of the Assam Central Circle, C.P.W.D. Bamunimaidan Guwahati on 7.1.91. Now he is serving there till today.

6.3 That the Executive Engineer, Assam Aviation Division, C.P.W.D. made an Adverse Remarks in C.R. of your applicant for the period from 8.1.91 to 31.3.91 (only for 83 days) and communicated by the department on 30.6.93 after a lapse of more than two years. The applicant filed the representation for Expunction of Adverse remarks made against him during the period from 8.1.91 to 31.3.91 to the Superintending Engineer, Assam Central Circle who is the competent authority for Expunction of Adverse Remarks on 23.7.93 after 24 days of receipt of communication made by the Department.

Annexure-1 is the photocopy of Office Memorandum No. 5 (7)/ACC/AR/Conf/175 dated Guwahati the 30th June, 1993 issued by the Executive Engineer (HQ) Assam Central Circle, C.P.W.D., Bamunimaidan, Guwahati-21.

Annexure 1(a) is the photocopy of the representation submitted by the applicant on 23.7.93.

6.4 That till today the department has not disposed of the representation submitted by the applicant and also not taken any positive steps for early disposal of representation. The applicant has also filed many reminders for early disposal of his representation against the Adverse Remarks made in his C.R. for the period of 8.9.91 to 31.3.94. The reminders for early disposal of the representation submitted by the applicant through proper channel on 14.6.94, 21.4.94, 26.12.94 and 22.4.95. But till ^{today} ~~doay~~ the Higher Authority has not taken

C.P.W.D., Guwahati to Assam Aviation Works Division, C.P.W.D., Guwahati Airport and he joined in the Assam Aviation Works Division, C.P.W.D., Guwahati Airport on 8.1.91 after being relieved from the office of the Assam Central Circle, C.P.W.D. Bamunimaidan Guwahati on 7.1.91. Now he is serving there till today.

6.3 That the Executive Engineer, Assam Aviation Division, C.P.W.D. made an Adverse Remarks in C.R. of your applicant for the period from 8.1.91 to 31.3.91 (only for 83 days) and communicated by the department on 30.6.93 after a lapse of more than two years. The applicant filed the representation for Expunction of Adverse remarks made against him during the period from 8.1.91 to 31.3.91 to the Superintending Engineer, Assam Central Circle who is the competent authority for Expunction of Adverse Remarks on 23.7.93 after 24 days of receipt of communication made by the Department.

Annexure- 1 is the photocopy of Office Memorandum No. 5(74/ACC/AR/Conf/175 dated Guwahati the 30th June, 1993 issued by the Executive Engineer (HQ) Assam Central Circle, C.P.W.D., Bamunimaidan, Guwahati-21.

6.4 That till today the department has not disposed up the representation submitted by the applicant and also ^{not} taken any positive steps for early disposal of representation. The applicant has also filed many reminders for early disposal of his representation against the Adverse Remarks made in his C.R. for the period of 8.1.91 to 31.3.91. The reminders for early disposal of the representation submitted by the applicant through proper channel on 21.4.94, 14.6.94, 26.12.94 and 22.4.95. But till today the Higher Authority has ^{not} taken

any steps for early disposal of his representation. The Department also given~~y~~ many reminders to the concerned authority for early disposal of representation submitted by the applicant. The Department also sent its reminder to the concerned authority on 3.3.94, 19.4.94 and 14.2.95. But till to-day Higher Authority has not taken any steps for disposal of the applicant's representation submitted against the Adverse remarks in his C.R. @@@ from the period from 8.1.91 to 31.3.91.

Annexure-2 is the photocopy of the applicant's reminder to the Higher Authority for early disposal of applicant's representation on 21.4.94.

Annexure-2(a) is the photocopy of such reminder letter by the applicant on 14.6.94.

Annexure-2(b) is the photocopy of such reminder letter by the applicant on 26.12.94.

Annexure-2(c)- is the photocopy of such reminder letter by the applicant on 22.4.95.

Annexure-2(d)- is the photocopy of the Department's reminder to the Higher authority for early disposal of the applicant's representation on 3.3.94 vide Department D.O. No.5(7)/ACC/AR/Conf/765.

Annexure-2(e)- is the photocopy of such Department reminder letter on 19.4.95 vide D.O. No.5(7)/ACC/AR/Conf/1261.

Annexure-2(f)- is the photocopy of such Department reminder letter on 14.2.95 vide D.O. 5(7)/ACC/AR/Conf/13.

6.5 That non disposal of the representation submitted by the applicant to the competent authority against the Adverse remarks made in his CR, the applicant is suffering a lot. He has not been allowed to cross EB i.e. three increments @Rs. 50.00 each has been lost. The chance for promotion of applicant may also affect accordingly for Adverse remarks in C.R. So the applicant is compelled to approach this Hon'ble Tribunal for Expunction of Adverse Remarks.

6.6 That the applicant begs to state that Adverse remarks made in CR of the applicant remarks made in C.R. of the applicant may be struck down on the ground of delay in communication. It is also covered by the judgments passed in many cases in different Bench of Administrative Tribunal. These cases are Dr. Rakesh Kr. Garg Vs. The State of Himachal Pradesh and others decided by the Hon'ble Administrative Tribunal, Simla Bench reported in All India Service Law Journal in 1994(3) Vol. 53 Page 203 also S.C. Jain Vs. The State of Punjab and others reported in 1994(26) A.T.C. In these cases the Hon'ble Tribunal held that Adverse remarks may be struck down on the ground of delay in communication.

6.7 That the applicant further begs to state that according to the C.P.W.D. Manual Vol. I in case of Engineering staff a brief narrative report in duplicate on plain paper for a period of less than six months from 1st April may be written and sent to the next Reporting Officer, in case he has been transferred to another unit. However, a full and comprehensive report in the prescribed form must be written for a period of six months and above and in all cases in which the officer is serving during January to March, unless a full

report has been received earlier. No report need be written for a periods of less than three months. The applicant joined in the Office of Assam Aviation Works Division, C.P.W.D., Guwahati Airport on 8.1.91 after relieved from the Office of the S.E./ACC on 7.1.91. So the applicant's C.R. may be treated as narrative C.R. It also be worth to be mentioned that C.R. is written by the next officer of the staff. In the case of applicant the next reporting Officer is Assistant Surveyor of works. It is understood that ASW has not written the C.R. of the applicant. A.S.W. is reporting officer of Planning branch, but A.S.W has been ignored in this particular case. But in this case the Relieving Officer i.e. Executive Engineer has written the C.R. of the applicant.

Annexure-3 is the photocopy of part of C.P.W.D. Manual Vol. I.

6.8 That the applicant begs to state that before putting adverse remarks in the confidential Reports, the concerned Officer may be warned by the Reporting Officer if there is a fall in the standards of an officer in relation to his past performance as revealed through the assessment. His attention should be drawn to this fact so that he can be alerted for improving his performance and does not suffer in his service prospects without knowing about the deterioration in his performance. In this case no warning was given, no explanation was called for from the applicant before putting Adverse remarks in applicant's C.R.

6.9 That the applicant submits that the procedure adopted by the Disciplinary authority in the case of

applicant is improper, malafide and illegal and as such the Adverse remarks is liable to be expunged.

6.10 That the applicant submits that the Adverse remarks has been passed without application of mind and in violation of rules and as such the Adverse remarks in confidential report is liable to be expunged.

7. Relief sought for

1. That the applicant prays for expunction of Adverse remarks in confidential report of applicant for the period from 8.1.91 to 31.3.91 communicated to applicant vide letter No.5(7)/ACC/AR/Conf/175 dated Guwahati the 30th June, 1993 passed by the Executive Engineer.
2. To direct the respondents to allow the applicant to cross efficiency Bar (EB).
3. Any other relief entitled to by the applicant.
4. Costs of the case.

8. Grounds for relief with legal provisions

1. For that due to delay in communicating the adverse remarks beyond the reasonable time of the adverse remarks are liable to be quashed.
2. For that the Executive Engineer, being a Reviewing Officer, he has no authority to put adverse remarks on the ACR of the applicant, and as such, the adverse remarks are liable to be quashed.

3. For that the adverse remarks only for 83 days, the same cannot put by the officer concerned as the normal period to be written adverse remarks is for 90 days and and beyond 90 days no adverse remarks can be written as prescribed by the C.P.W.D. Manual.
4. For that no warning was given to the applicant ~~before putting remarks~~ nor any explanation was called before putting adverse remarks.
5. For that at any rate the adverse remarks are liable to be quashed.

9. Details Remedies exhausted

That the applicant declares that he has availed of the remedies available to him under the Service Rules etc.

10. Matters not pending with any court etc.

The applicant further declares that the matter regarding which this application has been made is not pending before any Court of Law as any authority of any other Bench of the Tribunal.

11. Particulars of the Bank Draft/I.P.O. in respect the application fee -

1. Number of I.P.O. - B 09 326157
2. Name of issuing Post Office - Gauhati
3. Date of issue of I.P.O. - 11.8.95
4. P.O. at which payable - Gauhati

12. Details of Index

In Index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of Enclosures.- As per Index ...p/10..

V E R I F I C A T I O N

I, Shri Anil Kumar Das aged about 54 years Draftsman Grade II Assam Aviation Works Division, C.P.W.D. Guwahati Air Port - 15 do hereby verify that the Contents from 1 to 13 are true to my knowledge and belief and that I have not suppressed any material facts.

I signed this verification on this 11th August 1995 at Guwahati.

Dated, 11.8.95

Place - Guwahati.



Signature

-11-

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

Annexure I

CONFIDENTIAL

No.5(7)/ACC/AR/Conf/175

Dated Gauhati the 30th June/93.

MEMORANDUM

In the assessment report of Shri A.K.Das, Daman Gr-II for the period from 8.1.91 to 31.3.91 the following adverse remarks have been made :-

Column of the Report.

Remarks.

Item 8 - Remarks of Reporting Officer.

He knows his work well, efficient but integrity doubtful.

The remarks are being conveyed in the hope that he will try to overcome his deficiencies/he will try to improve his performance and take the remark in a constructive spirit. He is further informed that if he so desires, he may submit representation within 45 days from the date of this communication, otherwise no representation will be entertained thereafter. His representation may be sent in duplicate, one copy to this office direct and the other copy through Shri R.Deori, former Executive Engineer, Assam Aviation Works Divn., C.P.W.D., Gauhati-15 who was the reporting officer.

To

Shri A.K.Das, Daman Gr-II,
Assam Avn. Works Divn.,
C.P.W.D., Gauhati-15.
(Through Er. M.K.Santhamoorthy.
EE/AAWD, Gauhati-15).

B. Singh 30/6/93
Executive Engineer (HQ)
Assam Central Circle,
Central Public Works
Department, Gauhati-15
Contractor IOT Dept.

Attested
As. S. S.
Advocate
11.8.93

Received one Confidential sealed cover from Shri A.L. Das, D'man Gr.II
addressed to the Superintending Engineer, Assam Central Circle,
C.P.W.D., Guwahati-21.

Received
by same
23/7/93

Received one Confidential sealed cover from Shri A.K. Das, D'man Gr.I
addressed to the Superintending Engineer, Assam Central Circle,
C.P.W.D., Guwahati-21.

To

Shri K.S. Guliani,
Superintending Engineer,
Assam Central Circle,
C.P.W.D., Guwahati-21.

Sir,

Sub. :- Adverse Remarks in C.R. of Shri A.K. Das,
D'man Gr.II for the period from 8-1-91 to
31-3-91.

Ref. :- Your Memo No. 5(17)/AAWD/AR/Conf/175
dt. 30-6-93.

With reference to your above Memo conveying the adverse remarks in my C.R. for very brief period from 8.1.91 to 31.3.91. I beg to state that :-

(1) I was informed that the bad remarks as per item No.8 is of reporting officer. But as far as I know the reporting officer, Shri D. Das, A.S.W. has never written any C.R. for the above period. I believe that Shri D. Das, A.S.W. can not give such bad remark to my C.R. because he was happy with my works. I feel, it is written by Shri R. Deori, Executive Engineer directly.

(2) You may kindly note that my direct reporting officer is Shri D. Das, A.S.W. He knows my working and integrity. Countersigning Officer is Shri D.P. Goyal, Superintending Engineer, Assam Central Circle, he knows my working and integrity thoroughly as I was working under him before 8.1.91.

(3) You may kindly verify whether the reporting Officer has given any bad remarks. You may also kindly verify whether the Countersigning Officer, Superintending Engineer has accepted the bad remarks of Shri R. Deori, Executive Engineer.

(4) I feel the bad remarks was given by Shri R. Deori, Executive Engineer without concurrence of Reporting Officer and Countersigning Officer. Shri R. Deori, Executive Engineer was having a mind to take vengeance on me as given in the following paragraphs.

(5) I joined the C.P.W.D., in the Assam Aviation Works Division as D'man Gr.III on 24.12.64 since then I served under about 10 Executive Engineers. All these Executive Engineers have given very good report and I never had any adverse remarks nor any office memo. Even in this period I have not been served any memo/warning by Shri R. Deori, Executive Engineer expressing the dissatisfaction.

(6) Thereafter, I was transferred as D'man Gr.II to Assam Central Circle, C.P.W.D., Guwahati-21 in 1988. There also I worked under two Superintending Engineers (Shri S.S.Chandoke & Shri D.P. Goyal) and one Surveyor of Works (Shri S.K. Jain) who were also very happy with my work and there was no adverse remark of any kind in my C.R. during this period also.

(7) On being transferred from Assam Central Circle, CPWD, Guwahati-21 I reported for duty to Executive Engineer, Assam Aviation Works Division on 8.1.91 against Shri Hussain, D'man Gr.II.

Shri Hussain has been retained till 9.6.91 and I was given only the work of estimating during that period and the same may be verified from records. Mr. Hussain, D'man Gr.II had handed over me the charge on 14.6.91 after 4 days of relieve from this Division office.

I was not even offered a place to sit & Almirah for keeping the records pertaining to my work.

The then Executive Engineer, Assam Aviation Works Division retained Shri Hussain about 6 months despite my joining even though this Division was not authorised to retain two D'man Gr.II and the reasons for his retention best known to him.

He often ask me to go back to Circle Office and threat me with dire consequences if his verbal order is not obeyed.

This is also evident from the following documentary evidence enclosed herewith.

- (i) Letter No.21(1)W/AAWD/90/283 dt. 30.1.91.
- (ii) Letter No.21(1)W/AAWD/91/1794 dt. 10.6.91.
- (iii) Letter No. M11 dt. 2.8.91.
- (iv) Letter No.EDSA/NEZ/GHY.Unit/91-92/30 dt. 7.8.91.
- (v) Letter No.EDSA/NEZ/SHI/H/32 dt. 10.8.91.
- (vi) Letter No.EDSA/NEZ/SHI/ER/H/91/41 dt. 5.9.91.

The vindictive attitude of the then Executive Engineer, Assam Aviation Works Division compelled me to represent the facts to higher authority/Association to redress my sufferings etc.

(8) During my service under him, I have watched so many unpleasant incidents happened in this Division with Shri Deori, the then Executive Engineer and the staffs of various category. No staffs were happy with his behaviour except a few which can be enquired even now. His misbehaviour and whimsical attitude in the work spoiled the environment of this office.

This is evident from (i) Complaint of Shri K.D. Ram, Divisional Accountant to Chief Controller of Accounts and Director General of Works (ii) Executive Engineer, Vigilance's inspection report for the inspection conducted during 11/92. (iii) Other numerous complaints from Asstt. Engineers, Junior Engineer's Association & etc. against Shri R. Deori.

A copy of Paper cutting regarding the misbehaviour to the staff of Shri R. Deori, Executive Engineer is enclosed herewith.

Under the circumstances as stated in fore going para I vehemently protest the adverse remark regarding the integrity etc. and request you to make the same withdrawn or expunge immediately.

Considering the facts and features it can come to the conclusion that Shri Deori, Executive Engineer has given such a bad remark to my C.R. out of biasness, motivation and mind of vengeance.

I shall be thankful if a letter of communication regarding withdrawal be intimated to me expeditiously.

With warm regards.

Encl:- Xerox copies of six letter & copy of Paper cutting.

Yours' faithfully,

Dated, the 23rd July, 1993.

A.K. Das 23/7/93
(A.K. Das)
Daman Gr II,
Assam Avn. Works Division,
C.P.W.D., Ghy-15.

REGISTERED

Copy to Shri Rabin Deori, Executive Engineer (Valuation),
Income Tax Department, Barowary, Uzanbazar, Guwahati-3,
for its onwards transmission to the authority concerned.

A.K. Das 23/7/93
(A.K. Das)

N.I.O.

Copy to:

1. The Regional Secretary, Engineering drawing staff association, C.P.W.D., Calcutta. My representation against adverse report given the Executive Engineer, Shri R. Deori, for the period from 8/1/91 to 31/3/91 is enclosed herewith for suitable action please. My representation is self explanatory. It is also mentioned that after lapse of two years, adverse report has been communicated to me by the Superintending Engineer, Assam Central Circle, CPWD, Guwahati-21 vide No.5(17)/AAWD/AR/Conf./175 dated 30/6/93 it proves that we are standing and servicing on the mercy of whimsical officer inspite of giving sincere service for country.

A.K. Das
(A.K. Das)
C/Man-II,
Assam Aviation Works Division
C.P.W.D., Guwahati-15

Government Of India
Central Public Works Department

No. 9(1)/AAPD/94/ 1235

Dated the 21 /4/94.

To

The Superintending Engineer,
Assam Central Circle,
CPWD, Guwahati -21

Sub :- Adverse Remarks in the Confidential Report of
Shri A. K. Das, D/Man, Gr-II, for the period
from 01-01-91 to 31-3-91.

21/4/94

One self explanatory representation dated 20-4-94
received from Shri A. K. Das, D/Man, Gr-II, attached to this
Division, in connection with the above mentioned subject is
sent herewith for favour of further necessary action at your
end please.

Enclo :- One representation
dated 20-4-94.

Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati -15.

Copy to :-

1) Shri A. K. Das, D/Man, Gr-II, Assam Aviation Works Division,
CPWD, Guwahati -15, for information.

2) Personal file of Shri A. K. Das, D/Man, Gr-II.

EXECUTIVE ENGINEER.

Attested
S. D. D. D.
Debbarati
11/8/94

— 17 — Dated, the 20th April, 1994. 29

To
The Superintending Engineer,
Assam Central Circle,
CPWD, Guwahati-21.

(Through Proper Channel)

Sub.:— Adverse remarks in the Confidential Report
of Shri A.K. Das, D'man Gr.II for the period
of appointment from 8.1.91 to 31.3.91.

Re.:— My representation against adverse report
submitted to your office on 23.7.93.

Sir,

Kindly refer to my representation submitted
to your office on 23.7.93 with the request to expunge
regarding adverse report in the Confidential Report.

It is regretted to inform you after lapse of
eight months, no intimation has been received in connection
with deletion of adverse remarks entered in my C.R. so far.
It is further intimated that non-deletion of above adverse
remarks, my E.S. case is held up for ten (10) months for
which I am suffering financial benefits. It is also under-
stood that my promotion case is being held up due to this
adverse C.R.

Under the circumstances stated above, I again
request your honour that adverse remarks may kindly be
expunged so that the undue hardships caused to me by
this baseless allegation, could be mitigated. It may
kindly be noted that if this adverse remark is not expunged
within 1 month's time then I shall approach the CAT for
redressal of my grievances.

An early action in the matter is solicited please.

Yours faithfully,

SGD: A.K. Das

A.K. Das
A.K. Das
D'man Gr.II,
R.A.N.D./CPWD/-Guwahati-15.

Copy to :—

- 1) The Regional Secretary(RZ), Drawing & Engineering
staff association, CPWD, Calcutta, with request
to expedite the case at the appropriate level.
- 2) The Branch Secretary, CPWD, Shillong-3, for
similar action please.

A.K. DAS
A.K. DAS
D'man Gr.II

21/ 20.4.94

—14—
—18—

Annexure 2(a)

20

GOVT. OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

No: 9(1)/AAWD/94/ 1695

Dated the 14 /6/94.

To,

The Superintending Engineer,
Assam Central Circle,
C.P.W.D., Guwahati-21.

Sub:- Adverse remarks is the C.R. of Shri A. K. Das, D/Man Group-II for the period from 8.1.91 to 31.3.91 given by Shri R. Deori, Executive Engineer.

Enclosed please find herewith self explanatory representation of Shri A. K. Das, D/Man Group-II attached to this Division for further necessary action please.

Enclo: One letter.

Sd/-
Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

COPY TO:-

1) The Chief Engineer, (NEZ), C.P.W.D., Dhankheti, Shillong-3.

Enclo: as stated.

2) Shri A. K. Das, D/Man Group-II, Assam Aviation Works Divn.
C.P.W.D., Guwahati-15.

Attested
J. S. D.
Advocate
11.8.95

EXECUTIVE ENGINEER

13/6/94

To

29
-19-

The Superintending Engineer,
Assam Central Circle,
C.P.W.D., Rammimaiden,
Guwahati - 21.

(Through Proper Channel)

Subject :- Adverse remarks in the C.R. of Shri A. K. Das,
D/Men Gr. II for the period from 8.1.91 to
31.3.91 given by Shri R. Deori, Executive Engineer.

Reff. :- 1- My representation No. Nil, dt. 23-7-93 and No. Nil,
dt. 20-4-94, and now dt. 16-6-94.

Sir,

Kindly refer to my representations cited above
regarding my request of expunging the adverse C.R. given by
Shri R. Deori, Executive Engineer communicated to me vide
your letter No.

Since no further information regarding the above
subject has been received by me after a year from your good
self, it is once again requested to expunge the adverse re-
mark as mentioned above at an early date.

I may mention here that :-

1. Due to the motivated and unjustified adverse remark
in my C.R. for a small period of 83 days, my E.B. case has been
kept pending for last one year by you and I am being deprived
of financial benefit.

2. My next increment is also due in the month of
June 1994 and I am afraid that the same will also not be
given to me due to non clearance of E.B. case.

3. I have never been served any office memo asking
explanation regarding any unlawful works done by me during
my service period of 30 years.

Under the circumstances stated above, I again pray
to your concurrence to expunge the adverse remark and save me
from the un necessary harassment. An early action in this
matter is solicited please. It may kindly be noted that if my
case is not decided within 30 days of receipt of this letter
then I shall seek the help of the appropriate court of law.

Yours faithfully,

(A. K. Das)
D/Men Gr. II,
Assam Aviation Works Division,
C.P.W.D., Guwahati-3.

Contd....p/2.

Attest
A. K. Das
Advocate
H. S. D.

Copy to :-

1.

The Chief Engineer(NEZ), C.P.W.D., Shillong-3
for information with a copies of representation
alongwith enclosures.

He is requested to kindly intervene in to
this matter for justice on humanitarian ground.

Encl. 1- As stated.

2.

The Regional Secretary, Engineering Drawing Staff
Association(BZ), C.P.W.D., Nixon Palace,
Calcutta-207 for information and necessary
action please.

3.

The Branch Secretary, Engineering Drawing Staff
Association, C.P.W.D., Shillong-3 for information
and necessary action please.

Das 13/6/94
(A. K. DAS)

*Attested
J. B. H.
Advocate
11.8.95*

Govt. of India
Central Public Works Department

No. 9(1)/AAWD/94/ 3354

Dated, the, 26th Dec. '94.

To

The Superintending Engineer,
Assam Central Circle,
C.P.W.D., Guwahati-21.

Sub.: Adverse remarks in the Confidential Report
of Shri A.K. Das, D'man Gr.II, for the
period from 8.1.91 to 31.3.91.

One Self explanatory representation dated 26.12.94
received from Shri A.K. Das, D'man Gr.II, attached to this
Division, in connection with the above mentioned subject is
sent herewith. It is requested that his case be decided
urgently as the applicant is suffering undue hardship for
want of non-clearance of his E.B. case which has been held
up for want of disposal of his representation dt. 23.7.93
given against the adverse remarks communicated to him vide
your letter No.5(7)/ACC/AR/Conf/175 dt. 30.6.93

(Er. R.S. Sheoran)
Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

Copy to :-

✓ 1) Shri A.K. Das, D'man Gr.II, Assam Aviation Works Division,
C.P.W.D., Guwahati-15, for information.
2) Personal file of Shri A.K. Das, D'man Gr.II.

(ER. R.S. SHEORAN)
EXECUTIVE ENGINEER.

*Attested
R.S. Sheoran
Advocate
11.8.95*

To
The Superintending Engineer,
Assam Central Circle,
C.P.W.D., Bamunimaidan,
Guwahati- 781 021.

(Through Proper channel)

Sub.: Adverse remarks in the C.R. of Shri A.K. Das,
D'man Gr.II for the period from 8.1.91 to
31.3.91 given by Shri R. Deori, Executive Engineer

Ref.: My representation No.Nil dt.23.7.93 and No. Nil
dt.20.4.94, and No. Nil dt.13.6.94.

Sir,

With reference to your letter No.5(7)/ACC/AR/Conf/175
dt. 30.6.93 adverse remarks in my C.R. were communicated to
me. The reply to the same was furnished vide my letter No.Nil
dt.23.7.93. There after I request you vide my letters dt.20.4.94
and dt.13.6.94 for expunging the adverse remarks. For want of
this, my E.B. which was due on 6/93 has not been allowed to
cross and I am suffering for no fault of mine though about
1½ years have passed since my reply dt.23.7.93 but I am not
received any communication from your end.

I may mention here that :-

1. Due to the motivated and unjustified adverse remark
in my C.R. for a small period of 83 days, my E.B. case has
been kept pending for last one year by you and I am being
deprived of financial benefit.

2. My second increment after EB was due on 6/94 and
the same has ~~been~~ not been allowed for want of action on
my representation and I am suffering financial losses due
to non-clearance of EB case.

3. I have never been served any office memo asking
explanation regarding any unlawful works done by me during
my service period of 30 years.

Under the circumstances stated above, I again pray
to your conscience to expunge the adverse remarks and save
me from the unnecessary harrassment. An early action in this
matter is solicited please. It may kindly be noted that if
my case is not decided within 30 days of receipt of this
letter then I shall seek the help of the appropriate Court
of law.

Yours faithfully,

A.K. Das
(A.K. DAS)
D'man Gr.II,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

Dated 26.12.94

*Advocate
H.S. Das
Advocate
H.S. Das*

Contd.....p/2.

— 49 —
— 23 —
-: 2 :-

33

Advance copy to :-

The Chief Engineer(NEZ), C.P.W.D., Cleve's Colony, Dhankhati, Shillong-3, for information with copies of representation alongwith enclosures.

He is requested to kindly intervene in this matter for justice on his conscience.

~~Replies.:-~~ ~~Information.~~

Copy to :-

- 1) The Regional Secretary, Engineering Drawing Staff Association(EZ), C.P.W.D., Nizam Palace, Calcutta-20, for information and necessary action please.
- 2) The Branch Secretary, Engineering Drawing Staff Association, C.P.W.D., Shillong-3, for information and early necessary action please.

Rece 26/12/94
(A.K. DAS)

*Arrested
A. K. Das
Advocate
11.8.95*

~~24~~
— 24 —

Honourable 2(c)

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

NO. 9(1)/AAWD/95/ 951

Date : - 22-4-95

To

The Chief Engineer(NEZ),
C.P.W.D., Dhankheti,
Shillong - 3

Sub : - Adverse remarks ~~noted~~ in the confidential report
of Shri A.K. Das, D/Man - II for the period from
8.1.91 to 31.3.91 - Delay in crossing the E.B.

Sir,

One self explanatory representation dt. 21.4.95
received from Shri A.K. Das, D/Man - II attached to this
Division in connection with the above mentioned subject is
sent herewith.

It is requested that his case be decided urgently
as the applicant is suffering from undue hard-ship for want
of non-clearance of his E.B. case which is held up for want
of disposal of his representation dt. 23.7.93 given against
the narrative adverse remarks communicated to him vide the
SE/ACC letter No. 5(7)/ACC/Conf/175 dt. 30.6.93.

Shri Das is also mentally upset due to non-clearance
of his E.B. since June'93.

Enclo : - One copy of representation
dt. 21.4.95

Yours faithfully,

(K.K. CHOWDHURY)
EXECUTIVE ENGINEER,
ASSAM AVIATION WORKS DIVISION, CPWD,
GUWAHATI - 15

Copy to : -

1) The Superintending Engineer, Assam Central Circle, CPWD,
Bamunimaidam, Guwahati - 21. It is requested that his
case be decided urgently as the applicant is suffering
from undue hard-ship for non-clearance of his E.B. case
since June'93.

Enclo : - One copy of representation dt. 21.4.95

✓ 2) Shri A.K. Das, D/Man - II, AAWD, CPWD, Guwahati - 21 for
information.

EXECUTIVE ENGINEER

*Attested
J. K. Chowdhury
Advocate
11.8.95*

To
The Chief Engineer (NRA),
C.P.W.D., Dibrugarh,
Assam.

(Through Proper Channel)

Subject: Adverse remarks in the Confidential report of Shri A.K. Das, D'man Cr.11 for the period from 0.1.91 to 31.3.91.

SIR,

I am being insisted to bring your kind notice and request order to dispose off the long pending case early since inspite of lot of correspondence made with the Suptdg. Engineer, Assam Central Circle, CRWD, Guwahati-21. The case is lying in an uncared position and thus I am suffering for hold up of my E.R. case since 1.6.93.

Shri Robin Deori, Former Executive Engineer, Assam Aviation Works Division made remarks on confidential report during 0.1.91 to 31.3.91 i.e. for only 83 days and the same was communicated me by the Suptdg. Engineer, Assam Central Circle, CRWD, Guwahati-21, vide No. 5(7)/ACO/AR/Conf/175 dt. 30.6.93 after lapse of two years. The reply of the same was furnished vide my letter No. X11 dt. 23.7.93. Therefore I requested to the Suptdg. Engineer to expunge the motivated and unjustified adverse remarks as given by Shri R. Deori, Former Executive Engineer vide my letter No. X11 dt. 20.4.94 and dt. 13.6.94, 26.12.94 and copy of the same was sent to you also but till to-day I have not received any fruitful result.

I may mention herewith

- 1) Due to motivated and unjustified adverse remark my C.R. for a small period of 83 days, my E.R. case has been kept pending for last two years and I am being deprived of legitimate financial benefit at the age of above 50(fifty). If the remarks of Shri R. Deori is compared with assessment reports of mine given by the earlier Reporting officers or later officers, it will be evident that this remark is a just motivation.
- 2) I have never been served any office Memo asking explanation regarding unlawful works done by me during my service period of 30 years.

Under circumstances stated above, I pray to your conscience to kindly expunge this adverse remark and save me from the unnecessary harassment. I will remain ever grateful to you.

Yours faithfully,

(A.K. Das)
D'man Cr.11,
AAND, CRWD, Guwahati-18.

Copy to :-

- 1) The Superintending Engineer, Assam Central Circle, CRWD, Guwahati-21. He is requested to be kind enough, for finalisation of my case early and save me from clutching such type of motivated and malitated remark.

20
- 2 - 26 - 36

- 2) The General Secretary, Engineering Drawing Staff Association, C.P.W.D., I.P. Bhawan, I.P. Estate, New Delhi -2, for information & necessary action please.
- 3) The Regional Secretary, Engineering Drawing Staff Association, CPWD, Nizam Palace, Calcutta- 20, for information & necessary action.
- 4) The Branch Secretary, Engineer/^{and} Drawing Staff Association, CPWD, Shillong-3, for information & necessary action.
- 5) The Unit Secretary, Engineering Drawing Staff Association, CPWD, Guwahati-21, for information & necessary action please.

Ans 21/4/95
9c (A.S.K. DAS)
D'man Ex.II,
AAMS, CPWD, Guwahati-21.

Attested
S. D. D.
Advocate
11-8-95



— 27 —

Annexure 2(d) — Final

Phone : 50230 (Off.)
50596 (Res.)

GOVT. OF INDIA

भारत सरकार

Office of the Superintending Engineer,

अधीक्षण इंजीनीयर कार्यालय

Assam Central Circle,

आसाम केन्द्रीय परिमङ्गल

C. P. W. D., Guwahati-21

के. लो. नि. विभाग

गुवाहाटी-21

D. O. NO : 5(7)/ACC/AF/Conf/ 765

Date : — 3-3-94.

Dear Sir

Your personnel attention is invited to this office letter No. 5(7)/ACC/AF/Conf/175 dated 30-6-93 and subsequent reminders of even No. 194 dated 1-11-93, No. 211 dated 24-11-93, No. 224 dated 29-12-93, No. 227 dt. 18-1-94 and No. 657 dt. 22-2-94 regarding disposal of representation against adverse remark in respect of Shri A.K. Das, D/Mar Gr-II(C).

I would request you to kindly send/dispose the representation of Shri A.K. Das, D/Mar Gr-II(C) in original with your comments at the earliest as the same have to be finalised expeditiously.

In this connection, I may mention that the higher authorities, concerned staff and Engineering Drawing Staff Association, Calcutta Branch, Calcutta are also pressing very hard for early finalisation of the case.

Contd..... P/2.

Attested
S. S. J.
Advocate
11.8.95



38
-28-

- 2 -

An immediate action will be highly appreciated.

With best wishes.

Yours

(Bhagwan Singh)

To,

Shri Rabin Deori,
Executive Engineer(Valuation)
Income Tax Department,
Barowari, Guwahati-3.

Copy to:-

1. The Chief Engineer(NED), CPWD, Thankhetai, Shillong-3 for favour of information.
2. The Chief Engineer(Valuation) Income Tax Department, 2 Rohit House, Teletcy Marg, New Delhi-110011. He is requested to kindly instruct Shri Rabin Deori, Executive Engineer(Valuation), Income Tax Deptt, Barowari, Guwahati-3 to send/Dispose the representation of Shri A.K. Das, D/Men Gr-II (G) in original with his comments at the earliest as the same have to be finalise expeditiously.
3. The Superintending Engineer(Valuation), Income Tax Deptt. (Valuation Cell) 54, Rafi Ahmed Kidwai Road, Calcutta-700016 for similar action please.
4. The Regional Secretary (ED), Engineering Drawing Staff Association, Calcutta Branch, 234/4, A.J.C. Bose Road, Bikan Palace, Calcutta-20 for information with reference to his letter No.EDDA/22/H.104/111 dated 1-3-94.
5. Shri A.K. Das, D/Men Gr-II (G), AAKD, CPWD, Guwahati-15 for information.

Blk/1374
(Bhagwan Singh)

Attested
J. H. D.
D. W. O. R. T.
11.8.95



GOVT. OF INDIA

भारत सरकार

Office of the Superintending Engineer,

अधीक्षण इंजीनीयर कार्यालय

Assam Central Circle,

आसाम के नदीय परिमटल

C. P. W. D., Guwahati-21

के लो. नि. विभाग

गुवाहाटी-21

D. O. NO. 547/ACC/AV/Conf/261

Date Received the 19th April/94.

From :

Sh. B.K.Gupta,
Executive Engineer (HO)

Dear Sir

Your personal attention is invited to this office letter No. 547/ACC/AV/Conf/175 dated 30.6.93 and subsequent reminders of letter No. 104 dated 1.11.93, No. 218 dated 24.11.93, No. 226 dated 29.12.93, No. 227 dated 19.1.94, No. 653 dated 22.2.94 and No. 768 dated 3.3.94 regarding disposal of representation against adverse remarks in report of Shri A.C. Das, Dy. Comm Cr-11 (C).

In this connection, I may mention here that the higher authorities are pressing very hard for early finalisation of the case.

As such you are requested to kindly dispose/ end the representation of Shri A.C. Das, Dy. Comm Cr-11 (C) in original with your comments at the earliest as the case have to be finalised expeditiously.

An immediate action will be highly appreciated.

With best wishes.

Yours

(Sh. B.K.Gupta)

To

Shri Rabindra Deori,
Executive Engineer (Valuation),
Income Tax Department,
Parowali, Guwahati-3.

(Contd... P/2)

Attested
B.K.Gupta
Knows
11.8.95



—30—

WD

Copy to:-

1. The Chief Engineer(ESU), C.P.W.D., Shillong, Shillong-3,
for favour of information please.

2. The Chief Engineer(Valuation), Income Tax Department,
3 White House, Telstar Marg, New Delhi-110021. He is
requested to kindly refer to this office this letter
No. 3 (1)/VCC/17/Cont/765 dated 3.3.94 and instructs Shri
Robin Deora, Executive Engineer(Valuation), Income Tax
Department, Barwari, Dehradoon to dispose of and the
repatriation of said A.R. Dir. Ryng Gr-II(C) in original
with his comments at the earliest as the same have to be
finalised expeditiously.

3. The Superintending Engineer(Valuation), Income Tax Deptt.
(Valuation Cell 1), 96, Salt Chand Khowali, Esplanade, Calcutta-
700 016 for similar action please.

4. Shri A.C. Das, Ryng Gr-II(C), A.M.D., C.P.W.D., Guwahati-13,
for information.

26/3/94

Executive Engineer(IV)
Assam Central Circle,
C.P.W.D., Guwahati-21

Attested
J. D. B.
Advocate
11.8.95

No.5(7)/ACC/AR/Conf/ 13

Dated: 14/02/95.

To,

- 31 -

Shri D. P. Goyal,
Superintending Engineer,
Delhi Central Circle-VIII,
Central P.W.D.,
Sewa Bhawan, R.K. Puram,
New Delhi - 110066.

Sub:- Adverse remarks in R. of S/Shri B.L. Das, UDC,
Gautam Saha, JE and A. K. Das, D/Man Gr-II(C).

Reft:- This Office letter Nos.

1. 5(7)/ACC/AR/Conf/2607 dated 6-6-94,
2. 5(7)/ACC/AR/Conf/2608 dated 6-6-94,
3. 5(7)/ACC/AR/Conf/2609 dated 6-6-94,
4. 5(7)/ACC/AR/Conf/55 dated 8-7-94,
5. 5(7)/ACC/AR/Conf/83 dated 11-8-94,
6. 5(7)/ACC/AR/Conf/100 dated 8-11-94.

Kindly refer to this office letters under reference on the above mentioned subject. Your decision on the comments of Shri Rabin Deori, Executive Engineer(Valuation) on the representation of Shri B.L. Das, UDC, Shri Gautam Saha, JE and Shri A.K. Das, D/Man Gr-II are still awaited.

E.B. case of Shri A.K. Das, D/Man Fr-II(C) is held up since 1-6-93 for want of your decision on the comments of Shri R. Deori. Engineering Drawing Staff Association is pressing hard for finalisation of E.B. case of the person concerned.

It is, therefore, requested to kindly communicate your decision on the representation as mentioned above immediately for further necessary action at this end please.

Copy to:-

1. The Chief Engineer(NEZ), C.P.W.D., Dhankheti, Shillong-3 for kind information please.

2. The Branch Secretary, E.D.S.A., O/O the SSW(NEZ), C.P.W.D., Dhankheti, Shillong-3 w.r.t. his letter No.EDSA/NEZ/SHI/BR/H/59 dated 11-1-95.

3. The Regional Secretary, E.D.S.A., C.P.W.D., Calcutta-20 for information.

4. Shri A.K. Das, D/Man Gr-II, Assam Aviation Works Divn., C.P.W.D., Guwahati-15 (through EE/AAWD/CPWD/Guwahati-15)

(B. K. GUPTA)
Executive Engineer(HQ)
Assam Central Circle,
C.P.W.D., Guwahati-21.

14/02/95
EXECUTIVE ENGINEER(HQ)

*Section 5 of C.W.D.
Manual volume I.*

Annexure 3

~~32~~ 32-

1	2	3	4	5
14.	(i) Ministerial staff (ii) Class IV staff in Divl. Office	H/Clerk Accountant H/clerk Accountant	E.E. E.E.	S.E. (E.E.) S.E. (both copies) E.E. (both copies)
15.	(i) Sub Divl. Clerks & Clerks (ii) Class IV staff in the Sub. Divn. and attached to Labour Officer.	Asstt. Engr./Labour Officer Do.	EE/SE E.E.	EE/SE E.E. E.E. (both copies)
16.	Steno attached to Ex. Engr, and La- bour Officers	EE/Labour Officer		Steno. to EE (both copies) with EE. Steno. to SE (both copies with SE)
17.	Isolated posts on re- gular work-charged establishment.	Junior Engineer	A.E.	E.E. E.E. (both copies)

Period of Confidential reports

3. The Confidential reports of Engineering, Architectural and Horticultural Officers and staff are to be written for the year commencing from the 1st April of each year. Those of non-engineering Officers and staff are to be written for the calendar year commencing from the 1st January of each year.

4. In the case of Engineering, Architectural and Horticultural Officers and staff a brief narrative report, in duplicate, on plain paper for periods less than six months from 1st April may be written and sent to the next Reporting Officer, in case he has been transferred to another unit. However, a full and comprehensive report in the prescribed form must be written for period of six months and above; and in all cases in which the Officer is serving during January to March, unless a full report has been received earlier. No report need be written periods of less than three months.

5. Copies of confidential reports are not to be retained by the Reporting Officers.

6. The reports should be written in the Reporting Officer's own handwriting with correct name, initials and spellings and other details duly filled in. The ephemeral roll of the official concerned should be consulted and entries in the confidential reports should be made after assessing the remarks in the ephemeral roll. Instances of defects in the work, character and conduct, if any, should be quoted briefly. The reporting officer should also give an indication of the efforts he has made by way of guidance, admonition etc., to get defects removed and results of such efforts. Below the full dated signatures of the Reporting Officer, his name and designation should be written in block letters and rubber stamped.

7. Confidential Report forms are given at Appendix VIII.

Adverse Remarks

8. While giving adverse remarks in the confidential reports the following should be borne in mind by the Reporting Officer:—

- (a) Adverse entries relating to specific incidents should ordinarily not find a place in a character roll, unless during the course of departmental proceedings, a specific punishment such as censure etc. has been awarded on the basis of such an incident.
- (b) Incidents not important enough to call for departmental proceedings, but sufficiently serious to be specifically mentioned in the confidential report, should be recorded only after the Reporting Officer has satisfied himself that his own conclusion has been arrived at after a reasonable opportunity has been given to the officer reported upon to present his case relating to the incident.
- (c) Reference to specific incidents or deficiencies should only be by way of illustrations to support adverse comments.

Communication of adverse remarks

9. Where an adverse entry is made in the report, whether it relates to remediable or an irremediable defect, it should be communicated to the person concerned by Reviewing Officer after they have been seen by the Countersigning Officer, within one month of the completion of the report. Where there is no Reviewing Officer, the adverse entries should be communicated by the Reporting Officer likewise. But while doing so, the substance of the entire report including

1	2	3	4	5
14. (i) लिपिक वर्गीय कर्मचारी	प्रधान लिपिक/लेखापाल	कार्य पालक इंजीनियर	अधीक्षक इंजीनियर	अधीक्षक इंजीनियर (दोनों प्रतियां)
(ii) मण्डन कार्यालय में श्रेणी-4 के कर्मचारी	प्रधान लिपिक/लेखापाल	कार्यपालक इंजीनियर	कार्यालक इंजीनियर	कार्यालक इंजीनियर (दोनों प्रतियां)
15. (i) उप मण्डल लिपिक और लिपिक सहायक इंजीनियर/अधीक्षक कार्मचारी		कार्य पालक इंजीनियर/अधीक्षक इंजीनियर	कार्यपालक इंजीनियर/अधीक्षक इंजीनियर	कार्यपालक इंजीनियर/अधीक्षक इंजीनियर (दोनों प्रतियां)
(ii) उप मण्डलों और सम्बद्ध अधीक्षक कार्मचारी के श्रेणी-4 के कर्मचारी	—	कार्य पालक इंजीनियर	कार्य पालक इंजीनियर	कार्यपालक इंजीनियर (दोनों प्रतियां)
16. कार्यपालक इंजीनियर और अधीक्षकारियों सहेज सम्बद्ध आशुलिपिक	कार्यपालक इंजीनियर/अधीक्षक कार्मचारी	—	—	कार्यपालक इंजीनियर के आशुलिपिक को दोनों (प्रतियां) अधीक्षक इंजीनियर के आशुलिपिक (अधीक्षक इंजीनियर को दोनों प्रतियां)
17. नियमित कार्य प्रभारित स्थापना के कानिष्ठ इंजीनियर	सहायक इंजीनियर	कार्य पालक इंजीनियर	कार्य पालक इंजीनियर	कार्य पालक इंजीनियर

गोपनीय रिपोर्टों की अवधि

3. इंजीनियरी, वास्तुकीय और उद्यानी अधिकारियों तथा कर्मचारियों की गोपनीय रिपोर्ट प्रत्येक वर्ष की पहली अप्रैल से शुरू होने वाले वर्ष के लिए लिखी जानी है। इंजीनियरी अधिकारियों और कर्मचारियों से इन्हर को गोपनीय रिपोर्ट प्रत्येक वर्ष की पहली जनवरी से शुरू होने वाले केलेण्डर वर्ष के लिए लिखी जानी है।

4. यदि इंजीनियरी, वास्तुकीय और उद्यानी अधिकारियों और कर्मचारियों में से कोई अधिकारी या कर्मचारी एक एकक से अन्य एकक में स्थानान्तरित किया गया हो और उसके सम्बन्ध में लिखी जाने वाली रिपोर्ट की अवधि पहली अप्रैल से लेकर आगे छ: महीने की अवधि से कम हो जो एक संक्षिप्त विवरणात्मक रिपोर्ट “दो प्रतियों में” सादे कागज पर लिखी जाए और उसे अगले रिपोर्ट लिखने वाले अधिकारी को भेजा जाए। यद्यपि छ: महीने और इसके आस पास की अवधि के लिए तथा ऐसी सभी दशाओं में जब अधिकारी जनवरी से मार्च तक की अवधि में सेवारत हो और यदि उसकी पूरी रिपोर्ट पहले प्राप्त नहीं हुईं पूर्ण और विशद रिपोर्ट निर्धारित फार्म पर लिखी जाए।

5. रिपोर्ट लिखने वाले अधिकारियों द्वारा गोपनीय रिपोर्टों की प्रतियां न रखी जाएं।

6. रिपोर्ट लिखने वाले अधिकारी के अपने हाथ से ही रिपोर्ट लिखी जाएं और नाम, अद्याक्षर तथा वर्तनी शुद्ध लिखे जाएं और अन्य व्याप्रे ठीक-ठीक भरे जाएं। सम्बन्धित अधिकारी की दैनिक पंजी देखी जाए तथा दैनिक पंजी में दी गई टिप्पणियों का निर्धारण करने पर ही गोपनीय रिपोर्ट में प्रविष्टियां की जाएं। यदि कार्य, चरित्र और आचरण में व्युटियों के दृष्टान्त हों तो उन्हें संक्षेप में लिखा जाए। रिपोर्ट लिखने वाले अधिकारी को यह भी उल्लेख करना चाहिए कि उसने व्युटियों को दूर करने के लिए मार्गदर्शन भर्त्सना, आदि के माध्यम से क्या प्रयास किए हैं। तथा इन प्रयासों के परिणाम क्या निकले। नीचे रिपोर्ट लिखने वाले अधिकारी के पूरे हस्ताक्षर तथा तारीख और उसका नाम तथा पद-नाम स्पष्ट अक्षरों में लिखा जाए और रबड़ की मोहर लगाई जाए।

7. गोपनीय रिपोर्ट के फार्म परिधिष्ट 7 में दिए गए हैं।

प्रतिकूल अभ्युक्तियां

8. गोपनीय रिपोर्ट में प्रतिकूल अभ्युक्तियां देते समय रिपोर्ट लिखने वाले अधिकारी को निम्नलिखित बातों का ध्यान रखना चाहिए:—

(क) विशेष घटनाओं के बारे में प्रतिकूल प्रविष्टियां सामान्यतः चरित्र पंजी में तब तक नहीं की जाती जब तक कि ऐसी घटना के आधार पर विभागीय कार्यवाही के दौरान विशेष दण्ड, यथा-निंदा, आदि न दिया गया हो।

(ख) ऐसी घटनाएं जो विभागीय कार्यवाही के लिए प्रयाप्त महत्व की न हों, पर गोपनीय रिपोर्ट में विशेष रूप से उल्लेख करने की दृष्टि से पर्याप्त गम्भीर हो तो उन्हें तभी लिखा जाए जब रिपोर्ट लिखने वाला अधिकारी स्वयं को संतुष्ट कर ले कि घटना के सम्बन्ध में उस अधिकारी को जिसकी रिपोर्ट लिखी जानी है उसको घटना के बारे में अपना मामला प्रस्तुत करने के लिए उचित अवसर दिया जाना चाहिए है तथा तत्पश्चात् वह स्वयं अपने निष्कर्ष पर पहुंचा है।

(ग) विशेष घटनाओं या कमियों का संदर्भ प्रतिकूल अभ्युक्तियों का अनुभोदन करने के लिए मात्र उदाहरणों के माध्यम से होना चाहिए।

प्रतिकूल अभ्युक्तियों की सूचना

9. रिपोर्ट में जहां कहीं प्रतिकूल प्रविष्टि की जाती है, चाहे वह उपचार योग्य हो अथवा अनुपचार योग्य हो, उसे प्रतिहस्ताक्षरकर्ता अधिकारी द्वारा देख लेने के पश्चात् रिपोर्ट पूरी होने के एक माह के भीतर पुनरीक्षण अधिकारी द्वारा सम्बन्धित व्यक्ति को सूचित किया जाना चाहिए। जहां पुनरीक्षण अधिकारी नहीं है वहां प्रतिकूल प्रविष्टियों रिपोर्ट लिखने वाले अधिकारी द्वारा इसी प्रकार सूचित की जानी चाहिए परन्तु ऐसा करते समय सम्पूर्ण रिपोर्ट का सार, जिस अधिकारी

what may have been said in praise of the Officer reported upon should also be communicated to him. While communicating the adverse remarks to the Government Servant concerned, the identity of the Superior Officer making such remarks should not normally be disclosed. If, however, in a particular case it is considered necessary to disclose the identity of the Superior Officer, the authority dealing with the representation may at his discretion allow the identity to be communicated. The communication should be in the form of a D.O. letter and sent direct to the person concerned in a sealed cover.

Representation against adverse remarks

10. Representation against adverse remarks are to be made within 45 days of the communication of such remarks. The representations should be addressed direct to the Countersigning Officer concerned, who will finally decide the points at issue and pass orders on the representations after obtaining comments from the Reporting Reviewing Officers. The representations should not be added to the C.R. Dossiers. While finalising the representations the following points should be taken into account :—

- (a) If it is found that the remarks were justified and the representation was frivolous, a note will be made in the confidential report of the person concerned that he did not take the remarks in good spirit.
- (b) If the competent authority feels that there is not sufficient ground for interference, the representation should be rejected and the officer informed accordingly.
- (c) If it, however, feels that the remarks should be toned down, it should make necessary entry separately with proper attestation at the appropriate place in the report. The correction should not be made in the earlier entries.
- (d) If the competent authority comes to conclusion that the adverse remarks were inspired by malice or were entirely incorrect or unfounded and therefore deserve expunction, who should score through the remarks, paste it over or obliterate it otherwise and should make an entry with its signature and date stating that if had done so. But before doing so, it should bring it to the notice of the Head of the Department or Office if it is an authority other than these.

11. A copy of the order issued on such representations against adverse remarks and memorandum awarding punishment, if any, in disciplinary/vigilance cases should be placed in the both copies of the C.R. dossier in the Central Office and or other offices where the reports are to be kept.

12. All Reporting Officers are required to keep a register to enable them to record their observations

and instances of good and bad work as they occur from time to time.

13. Apart from the adverse remarks in the confidential reports, in case it is noticed at any time that there is a fall in the standards of an Officer in relation to his past performance as revealed through the assessment, his attention should be drawn to this fact so that he can be alerted for improving his performance and does not suffer in his service prospects without knowing about the deterioration in his performance.

14. The general policy should be to discourage the practice of granting letters of appreciation or notes of commendations to Govt. servants and placing them in the C.R. dossiers. Exception may, however, be made in the following cases :

- (i) Letters of appreciation issued by the Government or a Secretary or Head of Deptt. in respect of any outstanding work done may be placed into the C.R. dossier;
- (ii) Letters of appreciation issued by special bodies or Commissions or Committees, etc. or excerpts of their reports expressing appreciation for a Government servant by name may also be placed in C.R. dossier; and
- (iii) Letters of appreciation from individual non-officials or from individual officials (other than a Secretary or Head of Deptt.) may go in to the confidential report dossier if confined to expressing appreciation for services rendered far beyond the normal call of duty and provided the Secretary or the Head of the Department so directs.

Appreciation of work should more appropriately be recorded in the annual confidential report rather than in such letters of appreciation which do not give a complete perspective of the employee's good and bad points. However, the mere fact that a stray letter of appreciation goes into his C.R. dossier does not give the officer undue advantage in the matter of promotion which is governed more by consideration of general and consistently high performance than by occasional flashes of good work.

(Min. of H.A.O.M. No. 51/5/72-Essit (A) dt. 20-5-72 paras 13.1. and 2 as circulated by Central Office No. 14/1/77-EC VIII dated 25-4-1977).

Efficiency Bar

15. No officer is allowed to cross efficiency bar unless his work and conduct has been adjudged to be good. For this purpose, his Confidential Reports should be reviewed at the time of consideration of the case of crossing efficiency bar by the Department Review Committee constituted for the purpose. (The Review Committee is the same as for considering confirmation of officers in the grade (Government of India decision below F.R. 25).

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की रिपोर्ट लिखी गई है उसकी प्रशंसा में जो कुछ कहा गया है उसके सहित, उसे सूचित किया जाए। सम्बन्धित सरकारी कर्मचारी को प्रतिकूल अभ्युक्ति सूचित करते समय सामान्यतः उस उच्चतर अधिकारी की जानकारी न दी जाए जिसने ऐसी अभ्युक्तियां लिखी हैं। फिर भी, यदि किसी विशेष मामले में उच्चतर अधिकारी की जानकारी देना आवश्यक समझा जाए तो अभिवेदन पर विचार करने वाले अधिकारी अपने विवेक पर उच्चतर अधिकारी की जानकारी देने की अनुमति दे सकता है। पत्र व्यवहार अर्ध्द सरकारी पत्र के रूप में होना चाहिए और मुहरबद्द लिफाफे में सम्बन्धित व्यक्ति को सीधे ही भेजा जाए।

प्रतिकूल अभ्यासितयों के विरुद्ध अभिवेदन

10. प्रतिकूल अभ्युक्तियों के विरुद्ध अभिवेदन ऐसी अभ्युवितयों के सूचित किए जाने के 45 दिन के भीतर किए जाने हैं। अभिवेदन सीधे सम्बन्धित प्रतिहस्ताक्षरकर्ता अधिकारी को सम्बोधित होना चाहिए, जो विचाराधीन प्रश्नों का अंतिम निर्णय करेगा और रिपोर्ट लिखने वाले और पुनरीक्षण अधिकारियों से टिप्पणियां प्राप्त करके अभिवेदन पर आदेश पारित करेगा। अभिवेदनों को गोपनीय रिपोर्ट की मिसिलों में न जोड़ा जाए। अभिवेदनों पर विचार करते समय निम्नलिखित बातों पर ध्यान रखा जाए:—

(क) यदि यह पाया जाए कि अभ्युक्तियाँ उचित थीं और अभिवेदन अनर्थक था तो सम्बन्धित व्यक्ति को गोपनीय रिपोर्ट में यह टिप्पणी लिखी जाएगी कि उसने अभ्युक्ति को सही रूप में नहीं लिया ।

(ख) यदि सक्षम प्राधिकारी यह अनुभव करे कि हस्तक्षेप के लिए पर्याप्त कारण नहीं हैं तो अभिवेदन रद्द कर दिया जाए तथा अधिकारी को तदनुसार सूचित किया जाए ।

(ग) फिर भी, यदि यह अनुभव किया जाए कि अभ्युक्तियों को को हल्का किया जाना चाहिए तो रिपोर्ट में उचित स्थान पर उचित साक्षांकण सहित अलग से आवश्यक प्रविष्टि की जाए ।

(घ) यदि सक्षम प्राधिकारी इस निष्कर्ष पर पहुंचता है कि प्रतिकूल टिप्पणियाँ, दुर्भावना से प्रेरित थीं या सर्वथा अनुचित अथवा निराधार थीं और इसलिए उनको विलुप्त करने की आवश्यकता है तो उसे इन टिप्पणियों को काटकर, चेपी लगाकर या अन्य प्रकार से अपाठ्य बनाकर, अपने हस्ताक्षर करके और तारीख डाल कर इस आशय की प्रविष्टि करनी चाहिए कि यह उन्होंने ही किया है । यदि प्राधिकारी स्वयं उस हैसियत का नहीं है तो उसे ऐसा करने से पहले इसको विभागाध्यक्ष या कार्यालयध्यक्ष के ध्यान में लाना चाहिए ।

11. अनुशासनिक/सतर्कता के मामलों में की गई प्रतिकूल टिप्पणियों और दंड देने के ज्ञापनों के विरुद्ध ऐसे अध्यावेदनों पर जारी आदेशों की प्रतिलिपि, गोपनीय रिपोर्ट की दोनों प्रतियों के साथ केन्द्रीय कार्यालय तथा/या अन्य कार्यालयों में जहां रिपोर्ट रखी जाती है उसी ज्ञापन।

12. सभी रिपोर्ट लिखने वाले अधिकारियों से अपेक्षा की जाती है कि वे एक रजिस्टर में रखें जिसमें वे उनके सामने समय समय पर किए

गण अच्छे और बुरे कार्य के दृष्टान्त, और उन पर अपनी टिप्पणी रिकार्ड करें।

13. किसी अधिकारी की गोपनीय रिपोर्ट में प्रतिकूल टिप्पणियों के अलावा यदि किसी अवसर पर यह पता लगे कि संबंधित अधिकारी के पूर्व निर्धारण से व्यक्त पिछले निष्पादन की अपेक्षा उसके निष्पादन स्तर में गिरावट हुई है तो उसका ध्यान इस तथ्य की ओर आकर्षित किया जाना चाहिए ताकि उसे अपनी निष्पादन क्षमता सुधारने के लिए सचेत किया जा सके और उसे अपनी निष्पादन क्षमता की गिरावट से अनभिज्ञ रह कर अपनी सेवा संभावनाओं में हानि न उठानी पड़े।

14. सामान्य तीति यह होनी चाहिए कि सरकारी कर्मचारियों को प्रशंसा पत्र अथवा सराहनीय टिप्पणियां देने और उन्हें गोपनीय रिपोर्ट मिसिल में रखने के चलन को निष्टसाहित किया जाए. किर भी निम्न-लिखित मामलों को इसका अपवाद माना जा सकता है :

- (i) किसी उत्कृष्ट कार्य के किए जाने के संबंध में सरकार या सचिव अथवा विभागाध्यक्ष द्वारा जारी किए गए प्रशंसा पत्रों को गोपनीय रिपोर्ट मिसिल में रखा जा सकता है।
- (ii) विशेष निकायों या आयोगों अथवा समितियों द्वारा जारी प्रशंसा पत्रों या सरकारी कर्मचारी के नाम का उल्लेख करते हुए उनकी रिपोर्टों की प्रशंसा के उद्धरण गोपनीय रिपोर्ट मिसिल में रखा जा सकते हैं।
- (iii) गैर सरकारी अथवा सरकारी व्यक्ति (सचिव या विभागाध्यक्ष को छोड़ कर) के प्रशंसा पत्रों को गोपनीय रिपोर्ट मिसिल में रखा जा सकता है यदि वे सामान्य कर्तव्य के दायरे से बाहर की गई सेवा की सराहना तक सीमित है परन्तु यह है कि ऐसा करने के लिए सचिव अथवा विभागाध्यक्ष द्वारा निर्देश दिए गए हों।

वार्षिक गोपनीय रिपोर्ट में कार्य की प्रशंसा को अधिक समृच्छित रूप में लिखा जाना चाहिए न कि उन्हें ऐसे प्रशंसा पत्रों में ही रहने दिया जाए जो कर्मचारी की अच्छी और बुरी बातों को पूरी तौर से प्रकट नहीं करते। फिर भी मात्र यही तथ्य कि गोपनीय रिपोर्ट मिसिल में एकाध प्रशंसा पत्र रखा है अधिकारी को प्रोत्तिका के मामले में अनुचित लाभ नहीं देगा, जिसमें यदा-कदा किए गए अच्छे कार्य की अलंकारों की अपेक्षा सामान्य और क्रमबद्ध उच्चति पादन पर अधिक ध्यान दिया जाता है।

(केन्द्रीय कार्यालय के दिनांक 25-4-1977 के सं० 14/1/77-ईसी-8 द्वारा यथा परिचालित गृह मंत्रालय के दिनांक 20-5-72 के कांडा०सं० 51/5/72 स्थां० (क) के पैरा 13-1 और 2)

दक्षता रोध

15. किसी भी अधिकारी को दक्षता रोध पर करने की तब तक अनुमति नहीं दी जाती जब तक उसके कार्य और आचरण को अच्छा नहीं माना जाता। इस प्रयोजन के लिए दक्षता रोध पार करने के मामले पर विचार करते समय उसकी गोपनीय रिपोर्ट की समीक्षा विभागीय समीक्षा समिति द्वारा की जानी चाहिए। (यह समीक्षा समिति वही है जो अधिकारियों के ग्रेड में स्थायीकरण के विचार के लिए है)। (भारत सरकार का निर्णय म०नि० 25 के नीचे) ।

16. If on the date DPC of Govt. servant is under suspension or disciplinary/criminal court proceedings against him are contemplated or pending, the findings of the DPC in regard to his crossing of EB stage should be placed in a sealed cover. The sealed cover should be opened after conclusion of the proceedings. If the Govt. servant is fully exonerated the recommendations may be implemented by the Competent authority who may lift the bar retrospectively from the date recommended by the DPC. In that case the Govt. servant shall be entitled to arrears of increment(s). In case, however, the proceedings do not result in complete exoneration of the Govt. servant, he cannot be allowed to cross the E.B. from a retrospective date. His case will be considered by the next DPC which meets after final orders on the basis of the proceedings have been passed, and the Committee will then consider him for crossing the bar from a prospective date. While doing so the Committee will take into account the order passed in the conclusion of disciplinary proceedings.

17. The following time schedule may be observed in processing the cases for crossing the efficiency bar:—

Month in which EB cases should be considered by the DPC	Months during which the date of crossing of EB falls
January	January to March
April	April to July
July	August to October
October	November to December

In the event of DPC being convened after a gap of time following the date on which the Govt. servant became due to cross the EB, the Committee should consider only those CRs. which it would have considered had the DPC been held as per prescribed schedule. In the event of a Govt. servant being found unfit to cross the EB from due date, the same DPC would be competent to consider the report for the subsequent year also if available. Thus the same DPC could examine whether the Govt. servant is fit to cross the EB from the next successive years also.

(DP&T O.M. No. 29014/1/76-Estt(A) dt. 18-10-76, and No. 29014/3/84-Estt (A) dt. 4-9-84).

SECTION 6—PROMOTIONS

1. For purposes of promotion, the posts are classified as follows:—

(i) **Selection posts**—Promotions to these posts are made by selection based on merit-cum-seniority. The minimum service required for eligibility for promotion shall be as indicated

in the Recruitment Rules for the post or if there is no such provision in the Recruitment Rules as decided by Government from time to time.

(ii) **Non-selection Posts**—Promotion to such posts are made on the basis of seniority subject to the rejection of the unfit. A person eligible for promotion to such a post on the basis of his seniority in the lower grade may be assessed by the Departmental Promotion Committee as fit for promotion if his service record for the last 3 to 5 years is found satisfactory, there is no vigilance/disciplinary case against him and integrity certificate has been issued in his favour. A departmental examination, qualifying or competitive, may be prescribed as method for determination of fitness, in addition to evaluation of service record.

2. The principal selection and non-selection posts in the CPWD are listed below:—

Selection Posts	Non-selection Posts
<i>Group A</i>	
Director General of Works	
Additional Director General of Works	
Chief Engineer (Civil/Elect./D.D.G.)	
Chief Architect	
Additional Chief Architect	
Superintending Engineer	Suprintending Engineer (Selection grade)
Senior Architect	
Director of Horticulture/Addl. Director of Horticulture	
Executive Engineer (from the grade of Assistant Engineer)	Executive (from the grade of Assistant Engineer)
Architects (from the grade of Asstt. Arch.)	Architects (from the grade of Dy. Architect.)
Dy. Director of Horticulture	
<i>Group B</i>	
Assistant Engineer	
Assistant Architect	
Asstt. Director of Horticulture	

*Attested
S. S. D.
Advocate
11.8.79*

16. विभागीय प्रोन्नति समिति की बैठक की तारीख को यदि सरकारी कर्मचारी निलंबनाधीन है या उसके विरुद्ध अनुशासनिक/अपराधिक अदालती कार्यवाही अपेक्षित अथवा अनिर्णीत है तो दक्षता रोध पार करने के संबंध में विभागीय प्रोन्नति समिति के निष्कर्षों को सीलबंद आवरण में रखना चाहिए। कार्यवाही के निष्कर्ष के पश्चात् ही सीलबंद आवरण को खोला जाना चाहिए। यदि सरकारी कर्मचारी पूर्ण रूप से दोषपूर्त पाया जाता है तो सक्षम प्राधिकारी द्वारा विभागीय प्रोन्नति समिति द्वारा सिफारिश की गई तारीख से रोक को पूर्व व्याप्ति सहित उठाया जा सकता है ऐसे मामले में सरकारी कर्मचारी वेतनवृद्धि (ओ) के बकायों के लिए पात्र होगा। किर भी यदि कार्यवाही के परिणाम से सरकारी कर्मचारी को पूर्ण रूप दोषपूर्त नहीं पाया जाता तो उसे पूर्व व्याप्ति की तारीख से दक्षता रोध पार करने की अनुमति नहीं दी जा सकती। उसके मामले पर कार्यवाही के आधार पर पारित अन्तिम आदेशों के पश्चात् बैठने वाली अगली विभागीय प्रोन्नति समिति द्वारा चिवार किया जाएगा और तब किसी आगामी तारीख से दक्षता रोध पार करने पर चिवार किया जाएगा परन्तु ऐसा करते समय समिति अनुशासनिक कार्यवाही की समाप्ति पर पारित आदेशों को ध्यान में रखेगी।

17. दक्षता रोध पार करने के मामलों पर कार्यवाही करते समय निम्नलिखित समय अनुसूची का पालन किया जाना चाहिए:—

माह जिसमें विभागीय प्रोन्नति समिति द्वारा दक्षता रोध के मामलों पर विचार किया जाना चाहिए

जनवरी
अप्रैल
जुलाई
अक्टूबर

माह जिनमें दक्षता रोध पार करने की तारीख आती है

जनवरी से मार्च
अप्रैल से जुलाई
अगस्त से अक्टूबर
नवम्बर से दिसम्बर

यदि विभागीय प्रोन्नति समिति, सरकारी कर्मचारी की दक्षता-रोध पार करने की देय तारीख से कुछ अवधि के बाद बुलाई जाती है तो समिति केवल उन्हीं गोपनीय रिपोर्ट पर चिवार करेगी जिन पर वह विभागीय प्रोन्नति समिति की बैठक निर्धारित समय सूची के अनुसार होने पर चिवार करती। सरकारी कर्मचारी को देय तारीख से दक्षता रोध पार करने के लिए अधीक्षक पाए जाने की स्थिति में वही विभागीय प्रोन्नति समिति बाद के वर्षों की रिपोर्ट यदि उपलब्ध हो, तो उन पर भी चिवार करने के लिए भी सक्षम होगी। इसी प्रकार वही विभागीय प्रोन्नति समिति यह चिवार करेगी कि क्या सरकारी कर्मचारी अगले उत्तरवर्ती वर्षों में भी दक्षता-रोध पार करने के लिए योग्य है अथवा नहीं [कार्यपालक और प्रशिक्षण विभाग का दिनांक 18-10-76 का कार्यालय ज्ञापन संख्या 29014/1/76/स्थापना (ए) तथा दिनांक 4-9-84 का कार्यालय ज्ञापन संख्या 29014/3/84-स्थापना (ए)]

भाग-6 प्रोन्नतियां

1. प्रोन्नति के प्रयोजन से पदों को निम्नलिखित रूप में वर्गीकृत किया गया है:—

(i) प्रबरण पद-इन पदों पर प्रोन्नति योग्यता एवं वरिष्ठता के आधार पर चयन द्वारा की जाती है, प्रोन्नति की प्राप्तता

के लिए न्यूनतम आवश्यक सेवा पद के भर्ती नियमों में जो उल्लिखित होगी वही होगी और यदि भर्ती नियमों में ऐसा कोई प्रावधान नहीं किया गया है तो सरकार द्वारा समय समय पर जो निर्धारित की गई है वह होगी।

(ii) प्रबरणेतर पद-ऐसे पदों पर प्रोन्नति, अगोग्य को अस्वीकृत किए जाने की शर्त के साथ, वरिष्ठता के आधार पर की जाती है। निचले पद क्रम में वरिष्ठता के आधार पर ऐसे पद पर प्रोन्नति के लिए पात्र व्यक्ति का निर्धारण विभागीय प्रोन्नति समिति द्वारा किया जाए और उसे प्रोन्नति के लिए तभी उपयुक्त पाया जाएगा जब उसकी सेवा का रिकार्ड पिछले 3 से 5 वर्षों तक सन्तोषजनक थाया जाता है और उसे के विशद सतर्कता/अनुशासनिक कार्रवाई का कोई मामला नहीं है और सत्यनिष्ठा प्रमाण पत्र उसके पश्चात् जारी किया जा चका है। सेवा रिकार्ड के मूल्यांकन के अतिरिक्त एक विभागीय परीक्षा अर्हक या प्रतियोगी उपयुक्तता के निर्धारण के तरीके के रूप में निर्धारित की जा सकती है।

2. केन्द्रीय लोक निर्माण विभाग में युद्ध प्रबरण और प्रबरणेतर पदों की सूची नीचे दी गई है:—

प्रबरण पद

प्रबरणेतर पद

समूह 'क'

निर्माण महानिदेशक

अपर निर्माण महानिदेशक

युद्ध इंजीनियर (सिविल/वैद्युत) /
उप-महानिदेशक

युद्ध वास्तुक

अपर युद्ध वास्तुक

अधीक्षक इंजीनियर
(प्रबरण पद क्रम)

अधीक्षक इंजीनियर वरिष्ठ वास्तुक
उद्यान निदेशक/अतिरिक्त उद्यान
निदेशक कार्यपालक इंजीनियर
(सहायक इंजीनियर के पद क्रम से)

कार्यपालक इंजीनियर
(सहायक कार्यपालक
इंजीनियर के पदक्रम से)
वास्तुक (उप वास्तुक के पद क्रम से)

उद्यान उप-निदेशक

समूह 'ख'

सहायक इंजीनियर

सहायक वास्तुक

उद्यान सहायक निदेशक