

**Central Administrative Tribunal
Principal Bench**

**RA No.199/2016
&
M.A.No.2793/2016
M.A.No. 2794/2016
In
OA No.539/2010**

New Delhi, this the 26th day of September, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. V.N. Gaur, Member (A)**

1. Union of India,
Through Secretary (R),
Cabinet Secretariat,
Room No.1001,
B-2 Wing, 10th Floor,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.
2. Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi-110004.
3. Mr. B.K. Singh, Director,
Since retired as Joint Secretary,
Cabinet Secretariat,
Room No.1001,
B-2 Wing, 10th Floor,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.
4. Mr. S. Ramesh,
Joint Secretary,
Cabinet Secretariat,
Room No.1001,
B-2 Wing, 10th Floor,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.

...review applicants

(By Advocate : Shri R.N. Singh)

Versus

Ms. Amita Kumar,
R/o Qr. No.14,
D-I, Bharti Nagar,
New Delhi,
Presently working as Joint Secretary,
In Cabinet Secretariat,
New Delhi-110003.

... review respondent

(By Advocate : Shri Mohinder Singh)

ORDER (ORAL)

Mr. Justice Permod Kohli, Chairman :-

This review application has been filed seeking review of the order dated 15.11.2010 passed by this Tribunal in OA No.539/2010. Admittedly, the review application is beyond the time. An application for condonation of delay (M.A. No.2793/2016) has been filed along with application (M.A. No.2794/2016) seeking exemption from filing a certified copy of the judgment.

2. With a view to find out merits of the controversy, we heard Shri R.N. Singh, learned counsel, on merits as well. The only ground urged on behalf of the review applicants is that there is an error apparent on the face of the order impugned herein to the effect that the Tribunal had recorded the statement of the learned counsel for the respondents in respect to the upgradation of the two ACRs of applicant. It is accordingly submitted that insofar as the ACRs for the period 2007-08 is concerned, there was no

upgradation but due to some incorrect communication by the then Consultant (Legal), the Court was communicated that for the period 01.04.2006 to 31.03.2007, the ACRs have been upgraded from 'Very Good' to 'Outstanding' and on that basis the impugned judgment had been passed. This submission is belied from the judgment itself. The Tribunal in para 5 of the impugned judgment, while referring to the statement of the learned counsel for respondents and the communication addressed by the Consultant (Legal), did not mention or refer to the ACRs for the period 2006-07. The only reference was made to the ACRs for the year 2007-08 and 2008-09 and on that basis, the five marks were allocated for each year. This position is not disputed at all. The Tribunal had not considered the ACRs for the period 2006-07. Insofar as the ACRs for the years 2007-08 and 2008-09 are concerned, admittedly the applicant has earned the upgradation of 'Outstanding' in respect to these two years. Even in the chart referred to at page 9 of the judgment, ACRs for the period 2006-07 have been shown to be only 'Very Good' and not 'Outstanding'. Notwithstanding the fact that there may be a discrepancy in the communication of the Consultant (Legal), the Court has not based its findings on the ACRs of the year 2006-07. Thus we find that there is no error apparent on the face of record. Otherwise, also we are not satisfied with the explanation for delay in filing this RA after almost six years.

Accordingly, M.A. No.2793/2016 seeking condonation of delay is dismissed.

3. For all these reasons, this Review Application is dismissed.

M.A.No.2794/2016

4. In view of the aforementioned order, no order is required to be passed in this M.A. Dismissed accordingly.

(V.N. Gaur)
Member (A)

(Justice Permod Kohli)
Chairman

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