

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**OA-1696/2015
MA-4338/2015**

Reserved on : 23.07.2016.

Pronounced on : 29.07.2016.

Hon'ble Sh. Shekhar Agarwal, Member (A)

Sh. T.M. Sampath,
S/o late Sh. Munisamy Mudaliar
Aged about 59 years,
Administrative Officer,
National Water Development Agency,
Flat No. 117, Palika Bhawan,
R.K. Puram, Sector-13,
New Delhi-110066.

..... Applicant

(Applicant in person)

Versus

Union of India through

1. The Secretary to Government of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
Rafi Marg, New Delhi.

2. Sh. S.M. Husain,
Director General,
National Water Development Agency,
18-20, Community Centre,
Saket, New Delhi-110017.

3. Sh. R.K. Jain,
Chief Engineer,
National Water Development Agency,
18-20, Community Centre,
Saket, New Delhi-110017.

..... Respondents

(through Sh. S.N. Verma, Advocate)

ORDER

The applicant, who was working as Administrative Officer in National Water Development Agency, has filed this O.A. seeking the following relief:-

“(i) quash the relevant part of Office Memorandum No. 6/2/2014-Vig/16008 dated 14.10.2014 which state that the applicant has illegally corrected the APAR period as 1.4.2013 to 20.1.2014;

(ii) quash the Office Memorandum No.2/72/2011-Admn/Vol.X/3698 dated 13.3.2015 rejecting the representation of the applicant dated 30.10.2014;

(iii) direct the respondents to disregard the Review Part of the APAR for the period 1.4.2013 to 20.1.2014 as the review has been done without any legal right.

(iv) direct respondent No.1 who is competent authority to initiate disciplinary action against respondent No.3 who is misusing his official position to harass the applicant by writing irrelevant things without any basis of proof in the review part of APAR for the period 1.4.2013 to 20.1.2014;

(v) impose fine & heavy cost on Respondent Nos. 3 for misusing his official position to harass the applicant by writing irrelevant things without any basis of proof in the review part of APAR for the period 1.4.2013 to 20.1.2014;

(vi) allow the OA with exemplary cost.”

2. Earlier, the applicant had approached this Tribunal by filing OA-55/2015. This was disposed of by the Tribunal on 07.01.2015 and directions were given to the respondents to decide the representation of the applicant by passing a reasoned and speaking order. In compliance thereof, the respondents have passed the

impugned order dated 13.03.2015, which has been challenged by means of this O.A.

3. The applicant argued his case in person. He submitted that the Reviewing Authority Sh. R.K. Jain was biased against him as the applicant had lodged a complaint with the CVC regarding involvement of Sh. Jain in recruitment scam and other illegal activities in National Water Development Agency. This complaint was filed on 27.01.2012 and after that Sh. Jain's attitude towards the applicant changed. Thus, the remarks recorded by Sh. Jain in his APAR for the period 01.04.2013 to 20.01.2014 were not an objective assessment of his performance. Further, the applicant submitted that the Reviewing Authority had actually reviewed the ACR on a much later date but has wrongly recorded the date as 31.07.2014. He also submitted that Sh. Jain was not actually competent to record remarks in his APAR since the applicant had worked directly under the Reporting Officer Sh. O.P. Singh Kushwah and no part of his work was supervised by Sh. Jain.

4. In their reply, the respondents have submitted that the applicant was a chronic litigant. His contention that Sh. R.K. Jain had not supervised his work was baseless. The applicant was, in fact, working directly under Sh. O.P. Singh Kushwah, Supdt. Engineer and Sh. Kushwah's work was being supervised by Sh. R.K. Jain. Therefore, Sh. R.K. Jain was competent to record remarks in the applicant's

APAR as Reviewing Officer. Further, there was no substance in the applicant's allegation that the remarks were recorded not on 31.07.2014 as mentioned in the report but much later. No evidence in support of this contention had been adduced by the applicant. On the other hand Sh. R.K. Jain has confirmed that he reviewed the APAR of the applicant on 31.07.2014. Lastly, the respondents have disputed that Sh. R.K. Jain was biased against the applicant.

5. I have heard both sides and perused the material placed on record. Except for making bald allegations, the applicant had not adduced any evidence to support his contention that Sh. R.K. Jain was biased against him and that the remarks were recorded by Sh. Jain not on 31.07.2014 but on a much later date. In absence of any supporting evidence, the assertions of the applicant cannot be relied upon. Moreover, the applicant's contention that Sh. R.K. Jain was not competent to review his APAR also does not merit any consideration since the respondents have very categorically stated in their affidavit that Sh. R.K. Jain was the officer supervising the work of Sh. O.P. Singh Kushwah under whom the applicant was directly working.

6. In view of the above, I find that there is not merit in this O.A. and the same is dismissed. No costs.

(Shekhar Agarwal)
Member (A)

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