

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2952/2017

Order Reserved on: 29.08.2017
Order pronounced on 15.09.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Nirmal Kumar Chawdhary
Aged 56 years
S/o Late Shri Tarapad Chawdhary
Deputy Secretary (EAF)
Ministry of External Affairs
0124, Jawahar Lal Nehru Bhawan
Janpath, New Delhi – 110 011.

Currently residing at
A-31, MEA Housing Complex
Plot No.1, Sector-2, Dwarka
New Delhi – 110 075. ... Applicant

(By Advocate: Sh. Prateek Tushar Mohanty)

Versus

1. Union of India through
The Foreign Secretary
Ministry of External Affairs
South Block
New Delhi – 110 011.

2. Ms. Manika Jain
Consul General
Service through
The Foreign Secretary

Ministry of External Affairs
 South Block
 New Delhi – 110 011. ... Respondents

(By Advocate: Sh. Manjeet Singh Reen)

O R D E R

By V. Ajay Kumar, Member (J):

Heard Shri Prateek Tushar Mohanty, the learned counsel for the applicant and Shri Manjeet Singh Reen, the learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. The applicant, a Deputy Secretary in the Respondent-Ministry of External Affairs, filed the OA seeking the following reliefs:

"8.1 to allow the present Application;

8.2 to Quash and set aside the Order of Rejection dated 29.08.2016 (Annexure A-1);

8.3 and as a consequence thereto, direct the Respondent Ministry to upgrade the Grading in the Annual Performance Appraisal Report for the Year 2014-2015 (Annexure : A-2) of the Applicant from "Good" to "Very Good" in line with the numerical Grading given by the Reporting Officer;

Or, alternatively,

8.4 to Quash and set aside the Annual Performance Appraisal Report for the Year 2014-2015 (Annexure : A-2) of the Applicant;

8.5 to grant all consequential benefits permissible under the Rules and the Law in this regard;

8.6 to issue any such and further orders/directions this Hon'ble Tribunal deems fit and proper in the circumstances of the case; and

8.7 to allow exemplary costs of the application in favour of the Applicant."

3. Through the medium of the instant OA, the applicant is questioning the Annexure A1 - Order dated 29.08.2016 of the respondents whereunder the belated representation dated 14.06.2016 of the applicant challenging the overall grading of 'Good' recorded in his APAR for the reporting period from 01.04.2014 to 31.01.2015 and communicated to him on 19.02.2015, was rejected as time barred.

4. As admitted by the applicant himself in the OA, that the impugned APAR for the year 2014-2015 (Annexure A2 dated 16.02.2015) was communicated to him on 19.02.2015 wherein it was specifically mentioned that the time limit for entertaining any representation against the same is 15 days from the date of receipt of the same. The applicant, a Deputy Secretary rank officer, having full knowledge about the consequences, consciously, not made any representation against the said APAR till 14.01.2016, i.e., almost for about 11 months, on which date he made the first representation against the impugned APAR. He also made representations subsequently on 18.01.2016 and 14.06.2016. The respondents rejected the said representations vide the impugned Annexure A1 as time barred, without going into the merits of the case.

5. A perusal of the entire pleadings on record clearly indicates that the applicant failed to give any reasons of any sort for not making the representation against the relevant APAR within the permissible time limit.

6. The submission of the applicant that "the applicant was not in a position to cross swords with the Reporting Officer due to the education of his daughter in Australia" cannot be a valid ground, on any count, that to from a Deputy Secretary level officer.

7. In view of the above, we do not find any illegality or irregularity in the action of the respondents. The applicant miserably failed to show any valid reason for admission and issuance of notice in the OA.

8. Accordingly and for the aforesaid reasons, the OA is dismissed being devoid of any merit. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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