

**Central Administrative Tribunal
Principal Bench**

OA No.3296/2016

New Delhi, this the 28th day of September, 2016

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

Prakash Chandra Ramawat
Joint Commissioner (Retd.)
Aged about 64 years,
R/o F-63, DLF Park Place,
DLF Drive, Sector 54, Phase-5,
Gurgaon 122003.

.... Applicant.

(By Advocate : Ms. Vidushi Shubham for Shri Piyush Kumar)

Versus

1. Union of India
Through Secretary (Revenue)
Ministry of Revenue,
Department of Revenue,
North Block,
New Delhi 110 001.
2. The Chairman
Central Board of Excise and Customs,
North Block,
New Delhi 110 001.

... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

The applicant has filed this OA challenging the order dated 19.04.2016 communicated to him by the Directorate General of Human Resources Development, Central Board of Excise and Customs accompanying with the Minutes of the Referral Board Meeting whereby representation of the applicant for upgradation of his ACRs for the periods 15.06.2009 to 29.12.2009 and 30.1.2009 to 31.03.2010 was rejected.

2. While serving as a Joint Commissioner, the applicant was awarded gradings in the ACRs for the periods 15.06.2009 to 29.12.2009 and 30.12.2009 to 31.03.2010. For the first spell, i.e., 15.06.2009 to 29.12.2009, the Reporting Officer graded him '1' and the Reviewing Officer awarded '2'. For the second spell, i.e., 30.12.2009 to 31.03.2010, both the Reporting and Reviewing Officers awarded him '1'. The applicant filed a representation in respect to the aforesaid gradings. The said representation was considered by the Referral Board in its meeting held on 03.02.2016. The representation has been rejected by the Referral Board and communicated to the applicant vide the impugned order. The Referral Board has recorded detailed discussions and the reasons for such rejection. The Referral Board also sought comments from the Reporting Officer. From the comments of the Reporting Officer, it is also evident that the applicant was given advise by the Reporting Officer vide his letter dated 09.11.2009 to proceed on leave. It is admitted fact that the applicant was unwell and in his own submission he has mentioned that he is unable to effectively discharge the duties of office.

3. Learned counsel appearing for the applicant submits that the applicant has not been treated fairly and his representation has not been effectively considered. We are unable to accept this contention. The Referral Board has held a detailed exercise, not only, the representation has been dealt with and all contentions noted, but even the report from the Reporting Officer was also called and noted. Based upon the record and the observations, the Referral Board found representation of the applicant to be without any merit. It is settled law that while exercising power of judicial review, the Tribunal does not sit as an Appellate Tribunal, and can only examine the manner of exercise of power by the administrative authority and does not interfere in the decision. The

manner of decision making can only be examined in exercising the power of judicial review. There has been no violation of principles of natural justice or contravention of any law.

4. We do not find any merit. The OA is accordingly dismissed.

(V. N. Gaur)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/