

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

OA-3877/2016

New Delhi, this the 23rd day of November, 2016.

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)

Arun Kumar Mittal
S/o Late Shri Jagnandan Nath
Aged about 50 years
R/o A-64, Malka Ganj
Delhi – 100007
Presently working as
Executive Engineer, Gr. "A"
TSO-III, Northern Railway Headquarter
Baroda House, New Delhi – 110 001. Applicant

(through Sh. K.S. Dhingra)

Versus

1. Union of India through Secretary
Railway Board
Rail Bhawan, New Delhi – 110 001.
2. General Manager
Northern Railway
Baroda House, New Delhi – 110 001.
3. Chief Administrative Officer/Construction-II
Northern Railway
Kashmere Gate, Delhi – 110 006.
4. Shri Vijay Pratap Singh
Chief Engineer,/Construction-II/Survey
Northern Railway
Kashmere Gate
Delhi – 110 006.
5. Shri Y.S.Chaudhry
Deputy Chief Engineer (S&C)/TKJ
Northern Railway
Tilak Bridge
New Delhi – 110 001. Respondents

ORDER(ORAL)**Hon'ble Mr. Justice Permod Kohli**

Issue notice to respondent No. 1, 2 and 3 only. Learned counsel Sh. R.N. Singh appears and accepts notice on behalf of the respondents. Even though respondent nos. 4 and 5 have been impleaded as party by name, however, from the averments made in the OA, we find that there is no specific allegation of mala fide or bias against the said respondents. Hence, no notice is required to be issued to them.

2. The applicant is aggrieved of the gradings awarded to him in his APAR for the year 2013-14. He has made a representation dated 16.05.2016 against the grading awarded to him. The said representation is still pending for consideration with respondent no. 3. Learned counsel for the applicant has taken us through the impugned ACRs. The Reporting and Reviewing Officers have awarded 'Average' grading to the applicant, which has been upgraded to 'Good' by the accepting officer.

3. Since the representation is required to be considered by respondent no. 3, we do not express any opinion on the merits of the controversy, and dispose of the application at the admission stage itself with direction to respondent no. 3 to consider the representation of the applicant in accordance with law and rules and take a final decision thereon. The respondents shall dispose of the representation by reasoned and speaking order within two months from the date of receipt of certified copy of this order.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/