

**Central Administrative Tribunal  
Principal Bench**

**OA No.4409/2013**

New Delhi, this the 18<sup>th</sup> day of September, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Sh. T. Radhakrishnan, IAS  
S/o C-Thakappan  
Aged 57 years working as Chairman  
Chattisgarh Board of Secondary Education  
Raipur-492001  
R/o C-1/1 Devendra Nagar  
Officers Colony, Rajpur  
Chattisgarh State.

...Applicant

(By Advocate: Ms. Neelima Rathore for Shri U.  
Srivastava)

Versus

1. Union of India through its Secretary  
Ministry of Personnel, Public Grievances  
& Pension, North Block  
New Delhi-110001.

2. State of Chattisgarh  
Through Secretary to Govt.  
General Administration Department  
Raipur 492001.

..Respondents

(By Advocates: Ms. Shashi Juneja and Dr. Ch.  
Shamsuddin Khan)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy:-**

This OA is filed with a prayer to quash letter dated  
19.12.2011 through which the memorial submitted by

the applicant was rejected. It was in relation to the Annual Performance Appraisal of the applicant for the year 2007-2008. In addition to that, he has also challenged the Memorandum dated 30.05.2008 issued by the General Administration Department of Government of Chhattisgarh through which the channel of submission of confidential reports in respect of IAS officers was indicated.

2. The applicant contends that according to the All India Service (Performance Appraisal Report) Rules, 1970, it is permissible for there being more than one recording and reviewing authorities and the insistence on the part of the respondents that in respect of the applicant the reporting authority is the Chief Secretary and Reviewing Authority is the concerned Minister, is mis-placed. He contends that under the relevant rules, it is possible for the Minister to act as the recording authority.

3. As regards facts, the record reveals that the applicant submitted the proforma of his ACRs for the relevant period directly to the Minister on 22.11.2008 whereas the Minister who at the relevant point of time

was the reviewing authority made endorsement as though he was recording authority, that too, on 15.11.2008, that is much before the submission of self appraisal.

4. The respondents filed detailed counter affidavit opposing the OA. It is stated that the relevant rules define as to who can act as recording and reviewing authorities and the applicant cannot choose functionaries of his own choice.

5. This is one of the oldest OAs pending before the Tribunal. Therefore, it was listed on a date which is exclusively meant for final hearing of such type of cases.

6. In the morning session when the case was called twice, and on both the occasions a request was made on behalf of the applicant for pass over and we accommodated that, making it specific that he must argue when it is called up, in the afternoon session. In the afternoon session also, there was no representation when the case was called and we passed over it. Still

there is no response and a proxy counsel appeared after we perused the entire record.

7. We heard Ms. Neelima Rathore proxy counsel for Shri U. Srivastava, counsel for the applicant and Ms. Shashi Juneja and Dr. Ch. Shamsudin Khan, counsel for respondents.

8. The first relief claimed by the applicant is in respect of a memorial through order dated 19.12.2011. In this regard, the relevant facts are that for the year concerned, the applicant made his self appraisal and submitted the same directly on 22.11.2013 to the Minister who was the reviewing authority. For whatever reason, the Minister made an endorsement and made his remarks on 15.11.2013, which indeed would shock the conscious of anybody who is associated with the administration, that too, at such a higher level.

9. Once, this blatant mistake was corrected and proper appraisal was given to the applicant, he made representation to the competent authority, and not finding a satisfactory result thereon, he filed a memorial. The memorial was considered by the DoP&T strictly in accordance with law and the result thereof

was communicated. The applicant is not able to point out any procedural or factual inaccuracy in the whole episode. We are not inclined to interfere with the impugned order dated 19.12.2011.

10. The second limb of the prayer of the applicant is against the memorandum dated 30.05.2008. The Government of Chhattisgarh whom the applicant was serving, issued instructions stipulating the reporting, reviewing, accepting authorities, in the context of preparing and maintaining the ACRs of IAS officers. The applicant was working as Principal Secretary in the year 2008. The reporting authority for that post is the Chief Secretary and the Reviewing Authority is the concerned Minister. The applicant wants the Minister to be treated as the reporting authority and the reviewing authority as the Chief Minister. The rules cannot be moulded or twisted to suit the convenience of the applicant. He is not able point out that the Memorandum dated 30.05.2008 is in conflict to any statutory rule or provision of law. The memorandum itself clearly mentions that it is issued under the All India Service (Performance Appraisal Report) Rules, 2007.

11. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

**(AradhanaJohri)**  
**Member(A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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