

**Central Administrative Tribunal
Principal Bench**

OA No.2534/2013

New Delhi, this the 20th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Shri Balvir Singh,
S/o Late Shri Gajjan Singh,
Aged about 59 years,
R/o G-1, Type V, New Police Line,
Kingsway Camp, Delhi-110009.

...Applicant

(By Advocate : Shri A.K. Behera with Shri Piyush
Sharma)

Versus

1. Union of India,
Through Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, I.G. Stadium,
New Delhi.
3. Delhi Police,
Through Commissioner of Police,
Police Head Quarter,
I.P. Estate, New Delhi.

...Respondents

(By Advocate : Shri Amit Anand
Shri Amit Sinha for Shri D.S.
Mahendru)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant was working as ACP/1st Bn., Delhi Armed Police (for short DAP) in the year 2011. On finding that his ACRs for the years 1999 to 2002 were graded below benchmark, he made a representation dated 10.10.2011 to the competent authority i.e. Joint Secretary (UT), Ministry of Home Affairs, Government of India, with a prayer to upgrade them. The applicant was communicated an order dated 01.11.2011, stating that the competent authority did not find any merit to change the grading of the ACRs for the concerned years. The same is challenged in the OA.

2. The applicant contends that soon after the ACRs were communicated to him, he made a representation, duly indicating the reasons for upgradation and despite that, the competent authority did not examine the same. He contends that the impugned order does not contain the reasons whatsoever, though the law places an obligation on the competent authority not only to call for the remarks of the reporting or reviewing authority but also to indicate his own view in the matter.

3. The respondents filed the counter affidavit opposing the OA. It is stated that on receipt of the representation from the applicant, the remarks of the reporting and reviewing authority were called for and on examination of the same, the competent authority has decided not to upgrade the ACRs.

4. Heard Shri A.K. Behera and Shri Piyush Sharma, learned counsel for applicant and Shri Amit Anand, learned counsel and Shri Amit Sinha for Shri D.S.Mahendru, learned counsel for the respondents.

5. Till the Hon'ble Supreme Court rendered its judgment in ***Dev Dutt Vs. Union of India & Ors.*** Civil Appeal No.7631/2002, the department or the Government did not feel the necessity of communicating the below benchmarks ACRs. Consequent upon the said judgment, the DOP&T has also issued Office Memorandum providing for communication of such ACRs. It is in this context that the respondents seem to have communicated the ACRs to the applicant.

6. The applicant stated several reasons in support of his prayer for upgradation of the ACRs. The competent

authority was under obligation to call for the remarks of the reporting and reviewing officer and then to intimate his conclusion, which again, is required to be supported by reasons.

7. From the tabulated statement placed before us by the learned counsel for respondents, it is evident that remarks have, in fact, been called for. However, they have not been put in a form of reasoned order. The impugned order dated 01.11.2011 is almost in one sentence and it reads as under :-

“The representation of Shri Balvir Singh, ACP/1st Bn.DAP, against the below benchmark grading in his ACRs for the following periods has been considered by the Competent Authority but, he did not find any merit to change the grading :-

1. 01.04.1998 to 31.03.1999
2. 01.04.1999 to 28.10.1999
3. 01.04.2000 to 08.01.2001
4. 01.04.2001 to 02.08.2001
5. 08.10.2001 to 05.02.2002
6. 01.04.2002 to 14.11.2002

Shri Balvir Singh, ACP/1st Bn.DAP may be informed accordingly.”

8. This hardly constitutes compliance with the requirements of the law. Therefore, we allow the OA and set aside the impugned order. We direct the competent

authority to pass a reasoned order on the representation made by the applicant for upgradation of his ACRs, within a period of two months, from the date of receipt of a certified copy of this order. It is needless to mention that in case the applicant is not satisfied with the order, which may be passed by the respondents, it shall be open to him to pursue his remedies, in accordance with law. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(L. Narasimha Reddy)
Chairman

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