

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

O.A. No.2105/2017

Thursday, this the 15th day of November 2018

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

Rajeev Shrivastava
Aged 52 years
s/o late O P Shrivastava
Defence Estates Officer
(Indian Defence Estates Service)
Jabalpur Circle
Near Defence Cinema
Jabalpur Cantt. (MP) – 482 001

..Applicant

(Mr. R Balasubramanian and Mr. Santosh Kumar, Advocates)

Versus

1. Union of India through its Secretary
Ministry of Defence
South Block,
New Delhi – 110 011
2. Director General
Defence Estates
Raksha Samapda Bhawan
Ulaanbaatar Marg
Delhi cantt. 110 010
3. Shri Balsharn Singh
Aged about 65 years
Father's name not known to applicant
Now residing at
B-691, Second Floor
Metro View Apartment
Sector 12, Dwarka
New Delhi – 110 075
4. Shri Ashok Harnal
Aged about 63 years
Ex Principal Director & Director
General (Now retired)

Presently residing at
House No.530, Faridabad, Sector 15-A
Faridabad, (Haryana) 121 007

5. Shri Ashwini Kumar
Aged about 63 years
Ex Principal Director (Now retired)
Presently residing at
B-2 Flat No.104
Ganga Satellite Wanowrie
Pune (Maharashtra) 411 040

..Respondents

(Mr. Ranjan Tyagi, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is Defence Estates Officer. The Annual Confidential Reports (ACRs) for the years 2006-07 and 2009-10 were rated as below benchmark. The ACRs were communicated to him vide Office Memorandum dated 13.04.2010 issued by the Department of Personnel & Training (DoPT). On receipt of the same, the applicant made representation in respect of ACRs of those two years. Vide order dated 19.07.2012, the competent authority rejected the representation of the applicant in respect of the ACR pertaining to the year 2006-07. Similarly, the representation in respect of the ACR for the year 2009-10 was rejected through the order dated 26.09.2011. The applicant feels aggrieved by the same.

2. It is pleaded that the competent authority is under obligation to call for the remarks of the reporting officer and reviewing authority

while considering the representation made by the employee and no such exercise had been undertaken in this regard.

3. The respondents filed counter affidavit opposing the O.A.
4. Heard Mr. R Balasubramanian with Mr. Santosh Kumar, learned counsel for applicant and Mr. Ranjan Tyagi, learned counsel for respondents.
5. It is not in dispute that the ACRs of the two years, referred to above, were assessed as below benchmark. Feeling aggrieved by the same, the applicant made representation. The guidelines issued by the DoPT in this regard require that whenever a representation is made to the competent authority, the remarks of the reporting officer on the one hand and reviewing authority on the other are to be called for, and on consideration of the same, a reasoned order is required to be passed. Such an exercise was not undertaken in this case. Assuming that reasoned orders were passed by the competent authority, they were not furnished, despite requests.
6. Under these circumstances, the O.A. is disposed of directing the respondents:
 - a) In case the competent authority has passed any reasoned order in accordance with law, the same shall be communicated to the applicant within four weeks.

- b) If on the other hand there is no order apart from the ones passed on 19.07.2012 and 26.09.2011, the competent authority shall pass a reasoned order duly following the procedure, within two months.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

November 15, 2018
/sunil/