

**Central Administrative Tribunal
Principal Bench**

**OA No.3783/2014
MA No.1581/2018
MA No.1582/2018**

New Delhi, this the 12th day of November, 2018

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

Mrs. Arunima Suresh, Aged 48 years,
Principal,
W/o Shri Suresh Babu,
Central School for Tibetans Camp No.3,
Mundgod, North Kanara (Karnataka)

...Applicant
(By Advocate : Ms. Ananya Ghosh)

Versus

1. Union of India, Through Secretary,
Ministry of Human Resources & Development,
Dept. of School Education and Literacy,
Shastri Bhawan, New Delhi-110001.
2. Central Board of Secondary Education (CBSE),
Through its Chairman, Shiksha Kendra,
2,Community Centre, Preet Vihar,
Delhi-110092.
3. Central Tibetan School Administration (CTSA),
Through its Director, CTSA, EssEss Plaza,
Community Centre, Sector-3, Rohini,
Delhi-110085.
4. Shri Vineet Joshi,
Chairman, CBSE, Shiksha Kendra,
2 Community Centre, Preet Vihar,
Delhi-110 092.

5. Shri A.S. Rawat,
Education Officer, CTSA,
EssEss Plaza, Community Centre,
Sector-3, Rohini, Delhi-110085.

...Respondents

(None)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant was working as Assistant Education Officer in the Central Board of Secondary Education (for short CBSE) in the year 2013. Her case was considered for promotion to the post of Deputy Director, by the DPC. On finding that the APARs for the period from 01.01.2011 to 31.12.2011 and 01.01.2012 to 23.08.2012 were below benchmark, the Board communicated the said APARs on 31.05.2017. The applicant was informed that it shall be open to her to submit a representation within 15 days from the date of receipt of Memorandums.

2. The applicant contends that she submitted representation on 11.06.2013, raising objection to the gradations in the APARs and requesting the competent authority to upgrade the same to the level of "Very Good". It is stated that since the competent authority did not take any action on the representation, several reminders

were submitted and the representations are still pending. In this background, the applicant seeks the relief in the form of direction to the respondents to expunge the adverse remarks for the period referred to above. Certain other reliefs in the form of direction to the respondents to pay the TA bill and LTC for the block years 2010-13 are also made.

3. The applicant contends that her performance throughout the career was graded as "Very Good" and for the period in question, though the Reporting Officer had rated her as "Very Good", the Reviewing Officer has downgraded the same. It is also stated that at subsequent stage, the applicant was promoted to the post of Deputy Director and that in case the APARs are upgraded, she will be entitled for promotion, from the date on which, her juniors were promoted.

4. The respondents filed counter affidavit opposing the OA. It is stated that the APARs of the applicant have been processed and maintained strictly in accordance with the prescribed procedure and the same do not warrant any interference.

5. We heard Ms. Ananya Ghosh, learned counsel for applicant. None appeared on behalf of the respondents.

6. The applicant was communicated the APARs for the period referred to above through separate communications dated 31.05.2013, obviously in view of the judgment of Hon'ble Supreme Court in ***Dev Dutt Vs. Union of India and Ors.*** (Civil Appeal No.7631/2002). The very purpose of communicating such APARs to the concerned officer is to enable him to file a representation. The applicant contends that though five years have elapsed, the representation made by her has not been considered.

7. We are of the view that in case no order has been passed by the competent Authority on the representation filed by the applicant dated 11.06.2013, orders thereon shall be passed within a period of two months from the date of receipt of a certified copy of this order. As regards, other reliefs claimed in the OA, we leave it open to the applicant to make a separate representation to the concerned authorities, incorporating all the grounds

available to her, who in turn, shall examine the same and take appropriate action.

Pending MAs, if any, stand disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(L. Narasimha Reddy)
Chairman

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