

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 1160/2015

New Delhi, this the 23rd day of July, 2018

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

Madhuri Dabral,
Aged 51 years,
D/o. Shri B. P. Dabral,
A Non-Functional Selection Grade Officer of the
Indian Postal Service,
Director (Training, Welfare and Sports)
Department of Posts,
Ministry of Communications and Information Technology,
Dak Bhawan, Sansad Marg,
New Delhi – 110 001.
(Currently under posting to Guwahati)

Now residing at :

B-87, Sector Gamma-I,
Greater Noida,
Uttar Pradesh.Applicant

(By Advocate : Mr. S. K. Das)

Versus

1. Union of India through,
The Secretary,
Department of Posts,
Dak Bhawan, Parliament Street,
New Delhi – 110 001.
2. Smt. Ranju Prasad
Adviser (Finance), Government of Haryana,
Through the Resident Commissioner,
Government of Haryana,
Copernicus Marg,
New Delhi – 110 001.Respondents

(By Advocate : Mr. Gyanendra Singh)

O R D E R (O R A L)

Aradhana Johri, Member (A) :

The applicant is an officer of Indian Postal Service of 1989 Batch. In this O.A she has challenged the office memorandum dated 15.10.2014 which pertains to the APAR for 20.06.2011 to 31.03.2012. Vide this Office Memorandum the applicant's contention of frequent transfers causing her heavy loss, rejection of T.A. claim and her representation against recoveries of HRA have also been dealt with. Her request for a "No Report Certificate" on the ACR has also been turned down. Further, the applicant has stated that there is bias against her on the part of senior officers of the department. It is the contention of the applicant that she has been given adverse remarks of adverse grading/of below bench-mark on account of which she has been denied promotion. The grounds taken are similar to those in O.A No. 3827/2014 which include not maintaining the memorandum of service, not communicating within time and bias on the part of the superior officers.

2. The respondents have denied these allegations and have stated that the O.A is liable to be dismissed straightaway. They have stated that the competent

authority after due consideration may reject the application or may modify the APAR grading. Accordingly the APAR for the period 20.06.2011 to 31.03.2012 (2011-12) was communicated to the applicant and she submitted her representation on 20.09.2012. After due consideration, her various representations were rejected. Therefore, they have stated that the comments given by the reporting or reviewing officer is based on targets/short falls of the particular officer concerned.

3. Heard learned counsels for both sides.

4. There are several O.As filed by the applicant relating to her annual remarks for various years in which the grounds and issues appear to be broadly similar. The reporting officer for the APAR has recorded due reasons for giving her below bench-mark/adverse ratings as has the reviewing officer. The competent authority has also examined her case and not found merit in it.

5. It is highly improbable that so many officers are biased against the applicant. In fact, the very system of three levels in writing the annual remarks is provided to preclude the possibility of bias.

6. As far as maintaining the memorandum of service is concerned, this matter is dealt with in O.A. No. 3827/2014, which is being repeated here. The memorandum of services is supposed to be of assistance in writing the Annual Remarks. However, in the Annual Remarks the system of self assessment and setting of targets etc. provides all necessary information required for assessing the performance. Further, the superior officer recording his views on the Annual Remarks has to see the work of the officer being reported upon for a minimum of 3 months so that he is well acquainted with the work of the officer reported upon and only thereafter can he record the Annual Remarks.

7. The scope for interference with the ACRs by a Court or Tribunal is very limited. It is only when the employee substantiates and establishes bias or where the reasons furnished in support of the gradation are self contradictory or contrary to record, the possibility may exist to intervene. No such grounds are made out.

8. The reliefs sought in this O.A is to strike down the rejection letter dated 15.10.2014 with reference to the APARs for the period 20.06.2011 to 31.03.2012, to quash the adverse remarks below bench-mark grading and to

direct the respondents to upgrade grading of the applicant in APAR. Though the impugned order relates to various other matters, for the scope of this O.A, we are restricting ourselves to the matter of APAR.

9. Therefore, we find no merit in the O.A and it is dismissed accordingly. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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