

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

**O.A. No. 3827/2014 and
O.A. No. 3869/2014**

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 Posts)
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

Union of India through,
Secretary,
Department of Posts,
Dak Bhawan,
Parliament Street,
New Delhi – 110 001.

...Respondent

(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 Services, 1989 Batch. She challenged the office memorandum dated 06.08.2014 (Annexure A/1). Through the said memorandum her representations/memorials regarding upgradation of the ACRs pertaining to the period 2004-05, 2006-07 (05.09.2006–31.03.2007) and 2007-08 were rejected.

2. It is the contention of the applicant that she has been given adverse remarks/gradings which were below bench mark, and on account of this she was denied promotions. The grounds taken are that the mandatory memorandum of services has not been maintained, adverse remarks were not communicated within time, and there was bias on the part of the superior officers. She submitted representations which were rejected. She has also submitted memorials, objecting to the remarks. When memorials were not entertained, she approached the Central Administrative Tribunal by filing O.A No. 2201/2013. The O.A was disposed of vide order dated 20.12.2013 (Annexure A/9) directing the respondents to pass reasoned orders on the memorials of the applicant

within three months. Through the impugned order, the memorials were disposed of refusing to alter the gradations in the ACRs. Hence, these O.As have been filed.

3. The respondents have filed their counter affidavit stating the applicant's work has not been up to the mark, and accordingly, she has been graded below bench mark. The respondents further stated that the applicant has been given several opportunities to represent her case, and though her representations were submitted beyond the time limit, yet they were entertained. They have also clarified that the ACRs are not adverse but below bench mark and at the relevant point of time, there was no provision for communicating such ACRs prior to DoPT O.M No. 21011/1/210-Estt.A dated 13.04.2010.

4. Heard learned counsel for both the parties.

5. Since issues involved in these cases are identical, they are being disposed of by a common order.

6. It is clear from the record that adequate opportunities have been given to the applicant to represent her case. The impugned order dated 06.08.2014 is a speaking order which gives cogent reasons, as well as details of the representations/memorials etc. It has been

found that the applicant has made allegations against the various senior officers who have either been party to writing of the ACRs or in handling the matter and the files. On perusal of the file it appears that there are several reporting / reviewing / accepting/ competent authorities against whom bias has been alleged. It is highly improbable that so many officers in the department are biased against the applicant. It appears that unsubstantiated allegations are being made to create prejudice in the mind of the Court against the senior officers who have dealt with the matter. In fact, the very system of three levels in writing the ACRs is provided to preclude the possibility of bias.

7. As far as maintaining the memorandum of service is concerned, it is supposed to be of assistance in writing the ACRs. However, in the ACR the system of self assessment and setting of targets etc. provides all necessary information required for assessing the performance. Further, the reporting officer has to see the work of the officer being reported upon for a certain period of time so that he is well acquainted with the work of the officer reported upon and only thereafter can he record the ACR.

8. The scope for interference with the ACRs by a Court or Tribunal is very limited. It was 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.

9. Therefore, we find no merit in the O.As and they are dismissed accordingly. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/