

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.201/01084/2016

Jabalpur, this Tuesday, the 09th day of October, 2018

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

R.N. Ruhela, s/o Late Shri Gumani Ram, aged 57 years,
Supervisor-C (Cosmetic Maintenance), r/o C-4/5, RRCAT Colony,
PO: RRCAT, Sukhniwas, Indore 452013 **-Applicant**

(By Advocate – Shri P.J. Mehta)

V e r s u s

1. Union of India through Secretary, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai 400001.
2. Director, Raja Ramanna Centre for Advanced Technology, Sukhniwas, PO : RRCAT, Indore 452013.
3. Shri Kameshwar Rao A., Scientific Officer 'G', C&S Division, Raja Ramanna Centre for Advanced Technology, Sukhniwas, PO : RRCAT, Indore 452013.
4. Shri S.M. Jalai, Superintending Engineer, JL, C&S Division, Raja Ramanna Centre for Advanced Technology, Sukhniwas, PO: RRCAT, Indore 452013.
5. Shri S.S. Kulkarni, Head C&S Division, Raja Ramanna Centre for Advanced Technology, Sukhniwas, PO: RRCAT, Indore 452013
- Respondents

(By Advocate – Shri Kshitij Vyas)

(Date of reserving order : 09.08.2018)

ORDER

By Navin Tandon, AM.

The applicant is aggrieved that he has been graded as 'C' in APAR of 2013-14.

2. The applicant has made following submissions:-

2.1 He joined the respondent organisation Raja Ramanna Centre for Advanced Technology (RRCAT) in June, 1996 as Supervisor/A (Cosmetic Maintenance). He was promoted as Supervisor/B and Supervisor/C in 2005 and 2009 respectively.

2.2 The applicant was internally transferred to Construction and Services Division on 16.08.2013.

2.3 He has alleged that he was asked to become part of a claim of corruption by Respondent no.3, who was his reporting officer. He brought it to the notice of Respondents nos.4 and 5, who were his reviewing officer and accepting officer, but to no avail.

2.4 He was not given an opportunity of filling self appraisal for APAR 2013-14. He obtained a copy of his APAR 2013-14 through RTI, and being aggrieved by his grading as "C" (below benchmark), filed his representation on 28.11.2014 (Annexure A/5).

2.5 Since his representation was not decided, he approached this Tribunal in OA 201/814/2016. This Tribunal vide order dated 10.08.2016 (Annexure A/6) directed the Competent Authority of the respondents to decide the representation in two months time.

2.6 The applicant's representation was considered and rejected vide order dated 17.10.2016 (Annexure A/1).

2.7 Due to degrading of his APAR, the applicant has not been given PRIS (Incentive) for last three years.

3. The applicant has prayed for following relief:-

“8. Relief sought : In view of the facts mentioned in para 4 above, the applicant prays for the following reliefs :-

8.1 It be held that the decision taken by the Respondent No.2 in letter No. RRCAT/Admin/2016/R-1102/866 dated 17.10.2016 is illegal and it be set aside by quashing **Annexure A/1.**

8.2 It be held that the down-graded un-communicated APAR of the applicant, **Annexure A/4**, is *void ab initio* and it be quashed.

8.3 Any other relief as deemed proper by this Hon'ble Tribunal for retrospective promotion and the costs of this O.A.”

4. The respondents have filed their reply as under:

4.1 The applicant joined RRCAT as Supervisor (Cosmetic Maintenance) on 26.06.1996 on the basis of his SSC equivalent plus Sanitary Inspector Diploma.

4.2 His job profile involved catering to the housekeeping needs of RRCAT Technical facilities and its residential colony. He was transferred from Guest House Complex to Construction & Service Division (C & SD) on 16.08.2013 (Annexure R/1).

4.3 Engineer In charge (K)/Scientific Officer (G) (Respondent no.3) of C&SD vide his note dated 05.09.2013 (Annexure R/2) instructed the applicant to report to Sri M.M. Khan, Scientific Officer/D for further assignment.

4.4 The applicant submitted a leave application dated 17.12.2013 (Annexure R/3) and proceeded on leave from 18.12.2013 to 31.12.2013 without intimating his superiors and without ensuring if his leave is sanctioned or not. Respondent no.3, vide his note dated 27.12.2013 (Annexure R/4), advised the applicant to exercise more care in future.

4.5 In response, the applicant in his letter dated 02.01.2014 (Annexure R/5), alleged that the advisory note is part of a conspiracy.

4.6 The applicant again remained absent from 22.02.2014 to 28.02.2014 and submitted his leave application dated 01.03.2014 (Annexure R/6) seeking post facto sanction of leave.

4.7 Head C&SD (Respondent no.5) vide note dated 07.03.2014 (Annexure R/7), instructed the applicant to comply with instructions of note dated 05.09.2013 (Annexure R/2) and clarified therein that the applicant will be under overall superintendence of Respondent no.4.

4.8 However, the applicant refused to carryout the assigned day to day supervision of housekeeping work. This led to another note dated 14.03.2014 (Annexure R/8) by Respondent no.3.

4.9 Respondent no.3, vide his note dated 23.06.2014 (Annexure R/9), forwarded a blank proforma of APAR 2013-14 with the instructions to submit the self appraisal party by 07.07.2014. But the applicant refused to accept the same.

4.10 Office of Head/C&SD telephonically intimated the applicant to collect the APAR grading. When the did not come to collect the same, the office, vide e-mail dated 14.10.2014 (Annexure R/10) asked the applicant to collect his APAR grading.

4.11 However, the applicant sought for his ACR/APAR from 1997 to 2014 under RTI, which was provided to him.

4.12 The applicant submitted his representation dated 28.11.2014 (Annexure A/5) to the Grievance Officer.

4.13 The representation was considered by the Standing Committee of RRCAT as per extant procedure. In its meeting held on 26.09.2016, the Committee interacted with the applicant alongwith Head/C&SD. The applicant did not make any submission to the Committee and categorically stated that he has nothing to tell to the Committee. The Committee found the gradings awarded to the applicant reasonable for all assessment years 2013-14, 2014-15, 2015-16. Minutes of the Committee have been filed at Annexure R/13.

4.14 The payment of PRIS (I) for the period 01.07.2009 to 30.06.2017 amounting to Rs.65,780/- has been credited to the applicant's account on 09.06.2017 (Annexure R/14).

5. The applicant has filed his rejoinder in which he has questioned authenticity of Annexure R/9. He has further said that he has not been provided any computer by RRCAT and hence e-mail (Annexure R-10) is of no consequence. Further insinuations have been made towards respondents.

6. Heard learned counsel of both the parties and pleadings available on record.

7. It was brought to our notice that the applicant has superannuated on 30.04.2018 and the financial relief in the form of PRIS (Incentive) has already been granted to the applicant during the pendency of this O.A.

8. Perusal of the pleadings clearly indicates that the applicant did not fill the self appraisal form of APAR 2013-14, though he was given an opportunity to do so. We find that the applicant is having a Sanitary Inspector Diploma. His date of birth is 15.04.1958. Therefore, somebody who is educated and on the last leg of his service, cannot feign ignorance about filling the self assessment of his APAR 2013-14. He has not brought out as to what action was taken by him to fill the self assessment part of APAR 2013-14.

9. Further, the applicant has pointed a finger towards all his superior officers regarding spoiling his APAR grading as he did not become part of the corruption chain. However, he has failed to bring out even a single instance in support of his claim.

10. The respondents have brought out several instances of indiscipline and insubordination during the year 2013-14.

11. The representation of the applicant has been considered by the Standing Committee, which interacted with the applicant. After careful consideration, the Committee decided to retain the grading of the APAR.

12. From the above paragraphs, we find that the applicant's rights have not been prejudiced in any manner.

13. Respondents brought to our notice judgment dated 28.01.2016 of Hon'ble High Court of Allahabad in Writ-A No.48987/2010 in the case of **Ramesh Chandra vs. Union of India and Others**, where it was observed that:

“It is well settled that it is not the function of the judicial forums to assess the service of government servants and that the function to evaluate the ACRs has been vested in the department itself. The Courts of law are to act with care and utmost circumspection, when they interfere with the administrative matters relating to executive function.”

14. In view of our conclusion in para 12 and settled legal position as detailed above, we find that there is no merit in the case. Accordingly, O.A is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member
am/-

(Navin Tandon)
Administrative Member