

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.09/2018.

Date of Decision: 03.01.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Yogesh Ramanlal Patel,
 Deputy Director (C.S.S.)
 Staff Selection Commission,
 Pratishtha Bhawan (Old C.G.O.
 Bldg.), 1st Floor, South Wing,
 101, Maharshi Karve Road,
 Mumbai 400 020.
 R/at 151, Sai River, Abrama,
 Valsad – 396 001, Gujarat.

... *Applicant*

(Advocate by Shri S.P. Saxena)

Versus

1. Union of India,
 Through the Secretary,
 Dept. of Personnel and
 Training, North Block,
 New Delhi – 01.
2. The Chairman,
 Staff Selection Commission,
 Block – 12, CGO Complex,
 Lodhi Road, New Delhi 110 003.
3. The Regional Director (WR)
 Staff Selection Commission,
 M.K. Road, Old CGO Bldg.,
 Mumbai 400 020.
4. Shri K.B. Jagtap
 Regional Director, Western Region,
 Staff Selection Commission,
 1st Floor, Old CGO Bldg.,
 M.K. Road, Mumbai 400 020.
5. Shri Chetan Prakash Jain
 (Ex-Member Staff Selection Commission)
 Executive Director, Establishment,
 Railway Board, Rail Bhawan,
 New Delhi 110 001.

... *Respondents*

ORDER (Oral)
Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri S.P. Saxena, learned Advocate for the Applicant. We have carefully perused the case record.

2. The Applicant is presently working as Deputy Director, Staff Selection Commission under Respondent No.3. In this OA he has grievance regarding downgrading of his Annual Performance Appraisal Reports (APAR) for the period from 01.04.2014 to 31.03.2015 and 01.04.2015 to 31.03.2016. These APARs are written by Respondent No.4 as the Reporting Officer and the erst-while Respondent No.5 as the Reviewing Officer.

3. In this OA, the following reliefs are sought:-

“8.a) *To allow the Original Application.*

8.b) *To quash and set aside the APAR for the period 01.04.2014 to 31.03.2015 and for the period 01.04.2015 to 31.03.2016 and also to quash and set aside the APAR for the year 2013-2014 which is not yet disclosed.*

8.c) *To direct the respondents not to take into consideration for any purpose the applicant's APAR for 2014-2015 and 2015-2016.*

8.d) *To direct Respondent No.2 to issue order to forbid Shri Jagtap from writing present*

APAR of the applicant for year 2017-2018.

8.e) To pass any other order in the facts and circumstances of the case.

8.f) To award the cost of application".

4. It is pointed out by learned Advocate for the applicant that he has submitted a representation dated 02.11.2016 to the Respondent No.2 for upgradation of the above referred APARs of two years. However, according to him nothing was heard from the other end. It is obvious that it is for the Respondent No.2 to take a decision on the said representation, without which we cannot exercise power of judicial review on the basis of the present pleadings on record since there is no adverse order as such, rejecting the said representation.

5. At present, the applicant is not entitled to other reliefs. In view of this, appropriate directions need to be issued in the matter to meet the ends of justice.

6. The Respondent No.2 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representation dated 02.11.2016 of the applicant within a period of four weeks from the date of

receipt of certified copy of this order.

7. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

8. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

9. *DASTI.*

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.