

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A./100/1682/2014

New Delhi, this the 29th day of November, 2018

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

Rajesh Budgujjar, aged 42 years
Under Secretary,
S/o Shri Sobha Singh
R/o RB-137, Reserve Bank Colony,
Sector-6, R.K. Puram,
New Delhi-110022 ... Applicant

(Through Ms. M. Sarada, Advocate)

Versus

1. Union of India,
Through its Secretary
M/o Consumer Affairs, Food and PD
Govt. of India,
Department of Consumer Affairs,
Krishi Bhawan,
New Delhi-110002
2. The Officer In Charge
Vigilance Division,
Department of Consumer Affairs,
Krishi Bhawan,
New Delhi-110002

(Through Shri Duli Chand, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is borne on the cadre of Central Secretariat Service. Upto 31.10.2012 he was on deputation in the Finance (Revenue) Department as

Section Officer. On 1.11.2012, he was promoted as Under Secretary and was posted in the Department of Consumer Affairs. His APAR for the period from 1.04.2012 to 31.10.2012 was prepared by the concerned authorities in the Finance Department. It is stated that after the applicant was moved to the Department of Consumer Affairs, there was no occasion for preparation of APAR for the remaining part of the year, since he was under training for 54 days, and still the gradation was made for the entire remaining period from 1.11.2012 to 31.03.2013. It is stated that though the said evaluation is a bit favourable to him, a serious technical error has crept in the process and the APAR for the year 2012-2013 issued by the authority in the Consumer Affairs Department deserves to be set aside.

2. The respondents filed counter affidavit opposing the O.A. The circumstances under which the APAR had to be recorded are explained in detail.

3. Heard Ms. M. Sarada, for the applicant and Shri Duli Chand, for the respondents.

4. It is matter of record that the applicant worked in the Finance Department upto 31.10.2012 and after that, he moved to the Department of Consumer Affairs. It is

axiomatic that the APAR for the respective periods had to be prepared by the respective departments. There does not exist a scope for preparation of comprehensive APAR if the employee has worked in two departments for different periods in the same year. The APAR of the applicant for the period 1.04.2012 to 31.10.2012 was, in fact, prepared in the Finance Ministry and he was given gradation of 8.39. That is said to have become final.

5. The applicant states that he was required to submit APAR form for the period during which he worked in the Ministry of Consumer Affairs. In the form, he mentioned his particulars for the period from 1.11.2012 to 31.03.2013. In fact, fortunately for the applicant, the Reporting Officer graded him as 'Outstanding'. However, he committed a mistake by writing the period of evaluation as 1.04.2012 to 31.03.2013. The Reviewing Officer, however, downgraded it to the level of "Very Good". Though the applicant cannot be said to have suffered serious detriment on account of this, the record needs to be put straight, so that complications may not arise in future.

6. From what is observed above, it becomes clear that APAR from 1.04.2012 to 31.10.2012, as prepared by the

Finance Ministry, needs to be kept intact. For the period from 1.11.2012 to 31.03.2013, the APAR as prepared by the Ministry of Consumer Affairs needs to be set aside on account of patent error committed in respect thereof. One possibility is to leave it open to the Reporting Officer and the Reviewing Officers for that period, to redo the exercise. However, that is not available on account of the fact that the Reporting Officer has not only retired from service but also died thereafter. The only alternative is to treat that period, as of no APAR. The result is that a No Report Certificate has to be issued by the respondents for the said period. ^

7. The OA is accordingly disposed of with a direction to the respondents to issue a No Report Certificate in respect of the applicant for the period 1.11.2012 to 31.03.2013. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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