

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 50/2018

New Delhi, this the 22nd day of April, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Bhimraj Meena (Now Bhimraj Dhanna),
Aged 34 years (DOB 02.01.1983)
S/o Shri Ramji Lal,
Presently working as Dy. CEE/R&F,
North Eastern Railway, Gorakhpur,
R/o Bangla No.777, Railway Golf Colony,
Gorakhpur-273012. .. Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India
Through the Secretary
Ministry of Railway,
Rail Bhawan, New Delhi.
2. The General Manager,
Central Organization for Railway Electrification,
Allahabad (U.P.)-211001.
3. The Chief Electrical Engineer,
Central Organisation for Railway Electrification,
Allahabad-211001. .. Respondents

(By Advocate : None)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is working as Deputy Chief Electrical Engineer/R&F in the North-Eastern Railway. He initiated his APAR for the year 2015-16 and submitted self appraisal. The

Reporting Authority rated him as "Very Good". The Reviewing Authority agreed with the same. However, the Accepting Authority downgraded the APAR to the level of "Good". Feeling aggrieved by that, the applicant made a representation to the Accepting Authority, i.e. Respondent No.2, with a request to upgrade the same to the level of "Outstanding". Through an order dated 20.04.2017, the 2nd respondent maintained the same gradation, which he awarded earlier, viz. "Good". This O.A. is filed challenging the same.

2. The applicant contends that when the Reporting and Reviewing Authorities consistently rated him as "Very Good", there is absolutely no basis for the 2nd respondent to downgrade it to level of "Good". It is also stated that the office memorandum issued in that behalf was not followed and except making reference to certain correspondence, the 2nd respondent did not furnish any reason for such downgradation.

3. Notice was issued way back on 05.08.2018 and so far the respondents have not filed any counter affidavit.

4. We heard the learned counsel for the applicant.

5. The APAR of the applicant was rated as "Very Good", both by the Reporting and Reviewing Authorities. It is no doubt true

that the Recording Authority can have its own view, but he is supposed to furnish cogent reasons if he intends to downgrade the evaluation. The only reason assigned by the 2nd respondent while downgrading the APAR of the applicant reads as under:

“Overall grading to be treated as “Good” in view of (i) CDM/RE/UMB conf. letter no.CPM/RE/UMB/II dt. 23/6/15, 9/9/15 & 11/9/15.”

6. The applicant made representation to the 2nd respondent himself, stating that according to his performance, his APAR ought to have been graded as “Outstanding”. However, the 2nd respondent stuck to his stand and rejected his request.

7. In the context of dissatisfaction of an employee about the APAR of a particular year, the law provides for remedy of submission of representation to the Competent Authority who happens to be normally, the Appointing Authority. In certain organisations, officers are designated for this purpose. As a matter of fact, the applicant submitted a representation to the Secretary, Railway Board ventilating his grievances. Though that was submitted on 27.06.2017, no orders have been passed thereon. The representation made by the applicant was rejected by the 2nd respondent.

8. We, therefore, dispose of the O.A. directing the 1st respondent – Secretary, Ministry of Railways to pass orders, in accordance with law, on the representation dated 27.06.2017 submitted by the applicant within a period of two months from the date of receipt of a copy of this order. It is made clear that the order dated 20.04.2017 passed by the 2nd respondent shall not in any way constitute the basis while passing the order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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