

**Central Administrative Tribunal
Principal Bench**

OA No.2262/2017

New Delhi, this the 24th day of April, 2019

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

Rahul Gosain, Aged 43 years (DOB 11.09.1973)
S/o Late Sh. Jatinder Bal Gosain
Presently working as Director (On deputation basis)
Department of Electronics & Information Technology
Room No.2019-20, Electronics Niketan
6, CGO Complex, Lodhi Road, New Delhi
R/o D-II/123, Kaka Nagar
New Delhi-110003. ...Applicant

(By Advocate: Shri Yogesh Sharma)

Vs.

1. Union of India through the Secretary
Ministry of Railway, Rail Bhawan
New Delhi.
2. The Member (Technical)
Railway Board, Rail Bhawan
New Delhi.
3. The General Manager
North East Railway, Gorakhpur-273012.
4. The Chief Mechanical Engineer
N.E. Railway, Gorakhpur-273012.
5. The Chief Wagon Engineer
N.E. Railway, Gorakhpur-273012. ...Respondents

(By Advocate: Shri Ravi Kant Jain)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant is working as Deputy Chief Mechanical Engineer in North Eastern Railway. His APAR for the period 01.04.2015 to 24.07.2015 was rated as "Good" by the Reporting, Reviewing and Accepting Authorities. He made a representation to the Accepting Authority, the third respondent, on 17.09.2015 with a request to upgrade his APAR. Through an order dated 05.04.2016, the third respondent refused to accede to the request of the applicant. The same is challenged in this OA.

2. We heard Shri Yogesh Sharma, learned counsel for the applicant.

3. The APAR in question was rated as "Good" by all the three authorities. Since it is below Bench mark, the applicant made a representation. However, it should have been to the competent authority i.e. the respondent No.2. The question of accepting authority upgrading the same does not arise.

4. We, therefore, dispose of the OA leaving it open to the applicant to submit a representation to the second respondent. If such a representation is made within four weeks from today, it shall be entertained by the said respondent without raising any objection as to limitation and appropriate orders shall be passed thereon, in accordance with law, within a period of two months from the date of receipt of the representation.

There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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