

**Central Administrative Tribunal
Principal Bench**

OA No.2544/2019

New Delhi, this the 28th day of August, 2019

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

Dr. S. C. Lali
s/o Sh. Shyam Lal
aged about 51 years,
R/o G-158, Ground Floor, Dilshad Colony,
Delhi 110 095.
Employed as Scientist 'E' in the
Institute of Genomics and Integrative Biology,
Council of Scientific and Industrial Research (CSIR)
Delhi. Applicant.

(By Advocates: Shri Kamal Mohan Gupta and Shri Anil
Kumar)

Vs.

1. Union of India through
The Secretary
Department of Scientific and Industrial Research
Ministry of Science and Technology,
Qutub Institutional Area,
New Mehrauli Road,
New Delhi.
2. The Director General
Council of Scientific and Industrial Research
Anusandhan Bhawan,
Rafi marg,
New Delhi 01.
3. The Director
Institute of Genomics & Integrative Biology
Mall Road, Delhi. ... Respondents.

(By Advocate : Shri Deepak Bhardwaj)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Scientist 'E' in the Council of Scientific & Industrial Research (CSIR), the 2nd respondent herein. He filed OA No.1769/2017 claiming certain reliefs. That was disposed of on 22.05.2018, giving him, the liberty to submit representation, and directing the respondents to pass orders thereon. Accordingly, the applicant submitted a representation and the respondents passed an order dated 10.05.2019. This OA is filed challenging that order, as well as the circular dated 26.03.2002 issued by the 2nd respondent.

2. We heard Shri Kamal Mohan Gupta and Shri Anil Kumar, learned counsel for the applicant and Shri Deepak Bhardwaj, learned counsel for the respondents.

3. The issue pertains to promotion of the applicant to a higher post. The evaluation of APARs becomes relevant in this behalf. Circular dated 26.03.2002 is to the effect that in case an officer/employee fails to submit his self-assessment for any particular year/years, he will get zero marks for those APARs. The applicant did not submit his self assessment for the years 2000-2001 to 2005-2006. He submitted that only in the year 2014. The administration awarded zero marks for the corresponding APARs. By

referring to that circular, the respondents rejected the claim of the applicant through order dated 10.05.2019.

4. In his representation, the applicant wanted the respondents to quash or set aside the circular dated 26.03.2002. Firstly, the applicant is not able to explain as to why he did not submit the APARs for the corresponding years. Secondly, if he was of the view that the circular dated 26.03.2002 does not bar the consideration of an officer for promotion, in the absence of any valid APARs also, it is just not understandable as to why he submitted his self assessment for those years, nearly ten years thereafter. There is a clear self contradiction on the part of the applicant himself. Further, we do not find anything objectionable or arbitrary in the circular dated 26.03.2002.

5. When the assessment of APARs is pivotal and important in the process of promotion and for other upgradations, the immediate beneficiary or the loser on account of the evaluation of the APARs, is the concerned employee. If the applicant did not care to initiate his own APAR, he cannot find fault with others. The adage "no one can help those who do not help themselves" applies in service also.

6. Further, a typical form of APAR comprises of three parts:- (i) self-assessment; (ii) assessment by the reporting authority; and (iii) assessment by the reviewing authority. When the initiation itself is not done by the very officer who stands benefitted by the assessment, the respondents cannot be accused of inaction. The Council has also issued an OM dated 04.05.2007 prescribing a Calendar for submission and further processing of the APARs. It is an important condition of the service. The applicant cannot ignore the same. We do not find any merit in the challenge to the circular dated 26.03.2002.

7. In the representation, apart from challenging the circular dated 26.03.2002, the applicant wanted reconstitution of the Assessment Board for his promotion. The same is impermissible in law. Once the applicant failed to submit the self-assessment, and has been awarded zero marks in terms of the circular, the conclusions arrived at by the Assessment Board, cannot be found fault with. Therefore, the occasion for reconstitution of the Board does not arise.

8. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/