

**CENTRAL ADMINISTRATIVE TRIBUNAL
AMHEDABAD BENCH, AHMEDABAD**

Original Application Nos.236/2019,
Dated the 19th day of July, 2019

CORAM :

Hon'ble Ms Naini Jayaseelan, Member(Administrative)
Hon'ble Shri M.C.Verma, Member (Judicial)

Ravindra Vitthal Parmar,
Aged adult, 52 years (DOB: 31.01.1967), Male,
Presently serving as Programme Executive (in-situ)
AIR Vadodara, Gujarat.
Permanently residing at No.6, Arihant Flat,
Derasar Road,
Near Mithakhali Six Road, Opposite:HDFC Bank,
Navrangpura, Ahmedabad – 380 009

... Applicant

Applicant – Party in person

V/s.

- 1 Union of India
(Notice to be served through
Secretary, Ministry of Information & Broadcasting
A-Wing, Shastri Bhavan, New Delhi – 110 001.
- 2 Chief Executive Officer, Prasar Bharati,
Prasar Bharati Bhavan,
Mandi House, Copernicus Marg, New Delhi-110 001.
- 3 Director General AIR,
Akashvani Bhavan, Parliament Street,
New Delhi – 110 001.
- 4 Shri Neeraj Agarwal, ADG(P),
Additional Director General (P) (WR) AIR Mumbai
New Broadcasting House,
Back Bay Reclamation, Churchgate, Mumbai-400 020.
- 5 Dy Director (Engineering)/HOO,
AIR Vadodara, Pratapnagar,- Makarpura Road,
Vadodara – 390008, Gujarat.

... Respondents

(ORDER) (ORAL)**Per : Shri M C Verma, Judicial Member**

1 Instant OA is at the stage of motion hearing and being aggrieved by the act of reviewing authority has been preferred by the applicant. It has been alleged that Additional Director General (P) (WR) AIR Mumbai while Reviewing his performance, recorded in his APAR for the period 2017-18, illegally downgraded his performance from grading '8' given by Reporting Officer to grading '4' and also made adverse remark. Regarding exhausting of the departmental remedies available, it has been pleaded in para-6 of the OA that nothing positive would come out because his APAR has been spoiled by the Authorities in criminal connivance and therefore having no other efficacious remedy available he approached this Tribunal. Applicant, appearing in person did press the OA.

2 Heard. Upon query that when he has not exhausted the Departmental Remedies how this OA can be entertained, applicant reiterated his version recorded in Para 6 of the OA, he did not dispute that departmental remedy was available but urged that Authorities are prejudiced and nothing positive would come even if he approached the Departmental Authority by way of representation/appeal. He also went on to say that Departmental Authority would not pass any order.

3 Considered the submissions. To invoke intervention by this Tribunal, it is necessary that the applicant must have had exhausted all available Departmental Remedies. In instant case though Departmental Remedy was available, but same was not exhausted. Taking note of pleading, submission of applicant made during hearing and having found that the OA in its entirety is premature; it is dismissed at motion hearing stage as being premature. However, before parting we want to say that no Public Authority however superior, it cannot arbitrarily ignore the representation/appeal of any one, which as such Public Authority it is bound to decide by taking rational or judicial approach so having hope

that if applicant opted to prefer representation to Departmental Authority having jurisdiction against downgrading in his APAR, the same shall be dealt with as per procedure and permissible norms under Law.

(M C Verma)
Member(J)

(Naini Jayaseelan)
Member(A)

abp