

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00461/2019

Dated Monday the 1st day of April Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

V.R. Senthilkumar
Assistant Chief Technical Officer
ICAR-Sugarcane Breeding Institute
Door No. 19, III Main Road, E.B. Colony
Vadavalli, Coimbatore – 641 041.

... Applicant

By Advocate M/s T. Sai Krishnan

Vs

1. The Deputy Director General (CS)
Crop Science Division
The Indian Council of Agricultural Research (ICAR)
Krishi Bhawan, Dr. Rajendra Prasad Road
New Delhi 110 001.

2. The Director
ICAR – Sugarcane Breeding Institute
Sugarcane Post
Coimbatore – 641 007.

3. The Senior Administrative Officer
ICAR – Sugarcane Breeding Institute
Sugarcane Post
Coimbatore – 641 007.

4. Dr. Bakshi Ram
The Director & Reviewing Officer for APAR period 2015-16
2016-17 & 2017-18
ICAR – Sugarcane Breeding Institute
Sugarcane Post
Coimbatore – 641 007.

5. Smt. S. Rama
Senior Administrative Officer & Reporting Officer for
APAR period 2017-18
ICAR – Sugarcane Breeding Institute
Sugarcane Post
Coimbatore – 641 007.

... Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following reliefs :

"a. Set aside the Office Memorandum dated 05.03.2019 bearing ref No. 1/Conf./PS/2019 issued by 2nd and 3rd respondents communicating the decision of the 1st respondent

b. Consequently direct the 1st respondent to award appropriate marks and revise the overall grading of the applicant in the Annual Performance Appraisal Report – 2017-2018 by considering the representation of the applicant dated 05.10.2018.

c. To pass such further or other orders and thus render justice."

2. Mr. Su. Srinivasan, SCGSC takes notice for the respondents.

3. Learned counsel for the applicant submits that the applicant was aggrieved by Annexure A12 memorandum dt. 05.03.2019 rejecting his representation against entries and final grading given in his APAR for the year 2017-18 on the ground that the then DDG(CS)/Reviewing Officer had retired with effect from July, 2017. Accordingly, it was not possible for the present DDG(CS) to upgrade the said APARs now.

4. Learned counsel for the applicant would further submit that the applicant had been communicated the contents of his APAR for the year 2017-18 by Annexure A7 note dt. 24.09.2018 only. He had been granted 15 days' time from the date of receipt of the APAR to make a representation against the entries therein as well as the final grading. He submitted his representation well in time on 05.10.2018. It is not the applicant's fault that the reviewing officer had retired and, therefore, his representation could not be referred to him.

5. In the absence of the reviewing officer, the respondents are required to consider the representation on the basis of the comments given by the reporting officer and take a decision accordingly, it is submitted. It is pointed out that the reviewing officer had not entered any remarks contradicting the remarks recorded by the reporting officer nor had he changed the grading given by him. The reporting officer is still in service and accordingly the matter could have been decided.

6. Learned Senior Standing Central Government Counsel would submit that the respondents would consider the matter comprehensively and pass a reasoned and speaking order, if so directed by this Tribunal.

7. On perusal, it is seen that the impugned order rejecting the representation of the applicant is non-speaking as it does not explain why a representation submitted in time could not be considered merely because the reviewing officer had retired. In any case, as pointed out by the learned counsel for the applicant, the reviewing officer had not made any independent comments about the performance of the applicant and he had generally agreed with both the comments and grading given by the reporting officer. In such view of the matter, it appears that the competent authority had not considered the matter thoroughly as is expected of him in terms of the relevant rules.

8. In the above facts and circumstances of the case and the submission made by the Senior Central Government Standing Counsel, we deem it appropriate to set aside the Annexure A12 communication dt. 05.03.2019, direct the competent

authority to consider the matter objectively and strictly in accordance with the relevant rules/instructions and pass a reasoned and speaking order on the claim of the applicant for upgradation in terms of his alleged performance during the relevant year within a period of three months from the date of receipt of a copy of this order.

9. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

01.04.2019

SKSI