

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00188/2019

Date of Order: 04/09/2019

CORAM

HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Rajeev Kumar Singh, aged about 44 years, Gender- Male, Son of Gauri Shankar Prasad Singh, Resident of Village- Shahpur Kabi Chauk, PO- Shahpur Undi, PS- Patori, District- Samastipur.

Working as Assistant Personnel Officer, Works Project Organisation, J.C. Road, Chamber Bhawan, Patna- 800001.

..... Applicant.

- By Advocate: Mr. Ranjeet Kumar

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hajipur, Pin- 844101.
2. The General Manager, East Central Railway, Hajipur, Pin- 844101.
3. The Principal Chief Personnel Officer, East Central Railway, Hajipur, Pin- 844101.
4. Deputy Chief Personnel Officer, East Central Railway, Hajipur, Pin- 844101.
5. Senior Personnel Officer (GAZ), East Central Railway, Hajipur, Pin- 844101.

..... Respondents.

- By Advocate: Mr. Vinay Kumar

ORDER
[ORAL]

Dinesh Sharma, A.M.: - In the instant OA the applicant has requested for quashing and setting aside the impugned adverse remarks shown in his

APAR of 2016-17 and for affirming the grading given to him by reporting or Reviewing Authority. The applicant has also requested for directing the respondents to include the name of the applicant at par with juniors who have been promoted in Senior Scale being the consequential benefit along with seniority.

2. A written statement has been filed by the respondents denying his claim. They have alleged that the Reviewing Authority and the accepting authorities who are well conversant with the working of the applicant and worked at different levels of the hierarchy have given the assessment and the grading with elaborate reasons. The Accepting Authority has also, while finalizing the representation of the applicant against his overall grading for the year 2016-17 has given further reasons in their letter dated 09.07.2018 stating that there was no valid justification for upward revision of the grading of 3.9.

3. The applicant has filed a rejoinder in which he has reiterated the claims made in his OA.

4. I have gone through the pleadings and heard the arguments of learned counsels of both the parties. It is seen that in the APAR of the applicant for the year 2016-17 (Annexure -1) he was given an overall grading of 7.2 by the Reporting Authority which was brought down to 5.4 by the Reviewing Authority and further brought down to 3.9 by the Accepting Authority. While the Reviewing Authority has given reasons for the difference of opinion with the Reporting Authority, the Accepting Authority has accepted the assessment of the Reviewing Authority and yet reduced

his overall grade. This is prima facie wrong as the APAR form itself mentions in Part-V that *“Give reasons for difference of opinion with overall grading given by Reporting/Reviewing Authority. Otherwise grading of Accepting Authority shall not be accepted”*. In such a situation, any reduction in grade done by the Accepting Authority will not stand. The reasons given by the Accepting Authority in the communication following representation by the applicant cannot be a substitute for reasoning in the APAR form itself. I, therefore, accept the prayer of the applicant to quash the overall grade given by the Accepting Authority. This would amount to reinstating the overall grading of the applicant as 5.4 .

5. The learned counsel for the applicant argued that following the quashing of his downgrading from 5.4 to 3.9 his score will become 5 and his rating as “Good”. However, since this matter is before the Single Bench of this Tribunal where issue regarding promotion cannot be decided, the learned counsel for the applicant agreed not to press for that relief at this stage and to pursue his claim with the department after getting his grading corrected. Needless to mention that liberty to pursue his grievance lies with the applicant. The OA is partly allowed. No costs.

[Dinesh Sharma]
Administrative Member

Srk.