

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2270/2003

New Delhi this the 20th day of July, 2004..

Hon'ble Shri Shanker Raju, Member(J)
Hon'ble Shri S.A. Singh, Member(A)

Sh. Harihar Prasad,
S/o late Sh. Chanderr Banshi Prasad,
R/o Q.No.5/2, CAD Colony,
Jorbagh Road,
New Delhi-3.

..... Applicant

(through Sh. Yogesh Sharma, Advocate)

Versus

1. Union of India through
the Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi.
2. The Director General of
Civil Aviation,
Ministry of Civil Aviation,
Technical Centre,
Opposite Sardarjung Airport,
New Delhi.
3. The Chairman,
UPSC, Sharjahan Road,
New Delhi.
4. Sh. A.K.Ray,
Dy. Director General,
Ministry of Civil Aviation,
Technical Centre,
Opposite Safdarjung Airport,
New Delhi.
5. Sh. S.S. Nat,
Dy. Director General,
Ministry of Civil Aviation,
Technical Centre,
Opposite Sardarjung Airport,
New Delhi.

..... Respondents


(through Sh. Ravinder Sharma, proxy for Sh. R.P.
Aggarwal, Advocate for Respondents No. 1 to 4 and
Sh. Ashish Jha, Advocate for R-5)

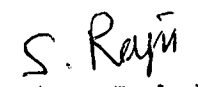
Order (oral)

Hon'ble Shri Shanker Raju, Membe(J)

Heard the learned counsel and perused the
case.

2. In view of Full Bench decision of Delhi High Court which is reflected in decision in OA-2894/2002 (Shyam Lal Vs. U.O.I. & Ors.) decided on 25.5.2004 if there is no down grading of the concerned person in the ACR, grading of 'Good' given to a government employee irrespective of the benchmark for the next promotion being 'Very Good' need not be communicated or to be treated as adverse. In the event there is down grading, the same is to be communicated. Last 5 years record pertaining to the year 1997-2002 show grading of the applicant as 'Good', 'Good', 'Good', 'Good' and 'Very Good'. On perusal of ACR for the period 1996-1997 we find that the grading given to the applicant was 'good'. In this view of the matter, we *do not find* any down grading which was to be communicated or be treated as adverse. We cannot sit as an Appellate Authority over the findings of the disciplinary authority as the applicant has failed to substantiate his claim, *O.A.* is accordingly dismissed. No costs.


(S.A. Singh)
Member(A)


(Shanker Raju)
Member(J)