

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2304 of 2003

(29)

New Delhi, this the 5th day of January, 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (JUDICIAL)

Yogesh Kumar ACIO, Grade-I,
C/o (MHA) Intelligence Bureau,
Government of India,
Suraj Nagar North,
Moga, Punjab.

....Applicant

(By Advocate : Shri V.K. Goyal with Shri Rajeev Sinha)

VERSUS

1. Union of India
through Secretary,
Ministry of Home Affairs,
Govt. of India, New Delhi.
2. Additional Director (Q)
Intelligence Bureau, Headquarters,
Ministry of Home Affairs,
Govt. of India, New Delhi.
3. Joint Director NE,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, Shillong.
4. Shri D.P. Sinha,
then Deputy Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, Shillong.
5. P.T. Bose
Assistant Director (I),
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, Shillong.
6. Shri D.K. Roy,
Joint Assistant Director (I),
C/o Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, Shillong.
7. Deputy Central Intelligence Officer (LS),
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, Shillong.
8. V.K. Sharma
Deputy Central Intelligence Officer (II),
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India,
Shillong.

.....Respondents

(By Advocate : Shri S.M. Arif)

ORDER (ORAL)

After hearing the counsel, it is not in dispute that during the period from 1.4.2000 to 31.3.2001, the applicant had worked under the supervision of Shri V.K. Sharma from 1.4.2000 to 31.10.2000 and under the supervision of Shri S.K. Gupta from 1.11.2000 to 31.3.2001, who is no more, whereas ACR as per Annexure R/1 for the period from 1.4.2000 to 31.3.2001 was written by Shri S.K. Gupta whereas he has not supervised the work of the applicant for the entire period from 1.4.2000 to 31.3.2001. During the course of the argument, learned counsel of the respondents produced a copy of the ACR wrote by Shri V.K. Sharma for the period from 1.4.2000 to 31.10.2000 during which period he has supervised the work of the applicant.

2. In this view of the matter, when it is not physically or by any means possible to ascertain as to whether for what period the adverse remarks has been made in the ACR pertaining to the year 2000-2001 as per Annexure R/1, as such the ACR of the applicant for the period from 2000-2001 in the present form and orders passed on appeal, which is not admissible as per Section 19 (4) of the A.T. Act, 1985 during the pendency of the OA abates, are set aside. However, this will not preclude the respondents from taking recourse of rules and instructions on the subject for re-writing the ACR of the applicant for the period from 1.4.2000 to 31.3.2001 and communicate it to the applicant and also afford a reasonable opportunity to the applicant to respond to the same. If the applicant is still aggrieved, it shall be upon for him to approach this Court in accordance with law, if so advised.

3. Subject to aforesaid, the present OA is disposed of. No costs.

(SHANKER RAJU)
MEMBER (JUDICIAL)

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