

(2021) 03 CAT CK 0039

In the Central Administrative Tribunal

Case No : Original Application No. 394 Of 2021

Bharat Bhushan (Group A)

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 09-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0039

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Ankur Chhibber, Shailender Tiwari

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant filed a representation dated 16.10.2017 to the Competent Authority feeling aggrieved by the gradation given to him in the APAR for the year 2016-17. In the said APAR, the Reporting Authority (RA) graded the applicant as "very good" by awarding 6.50 marks, whereas the Reviewing Authority (Rev.A) downgraded the same to the level of "good" by awarding 5 marks. The Accepting Authority (AA) found the rating given by the Rev.A as correct.

2. The representation was dealt with by the AA and, thereafter, forwarded to the Competent Authority (CA). Through an order dated 08.02.2020, the CA rejected the representation without recording any reason whatsoever. This O.A. is filed, challenging the same.

3. The applicant submits that the CA is under obligation to obtain the remarks of RA and Rev.A and, thereafter, to form his own opinion on perusing the records and that such an exercise has not taken place in his case.

4. Learned counsel for the respondents, on instructions, submits that it has since been decided to call for the remarks from the RA and Rev.A and further steps

shall be taken in accordance with law.

5. We, therefore, dispose of the OA setting aside the impugned order and directing that the Competent Authority shall pass a reasoned order duly taking into account, the remarks of the Reporting and Reviewing Authorities, on the representation made by the applicant for the up-gradation of the APAR for the year 2016-17, duly indicating the reasons in support of his conclusions. There shall be no order as to costs.