
(2020) 10 CAT CK 0161

In the Central Administrative Tribunal

Case No : Original Application No. 1632 Of 2020

Deep Chand, AE (NQA), Group 'B'

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 28-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0161

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

Bench : Division Bench

Advocate : M.D. Jangra, G.S. Virk

Final Decision : Dismissed

Judgement

L Narasimha Reddy, J

1. The applicant joined the service of Ministry of Defence, Department of Defence Production, Direct or General of Quality Assurance (DGQA), 2nd

respondent herein, in the year 1989 as Technical Assistant-II. Thereafter, he was promoted to the post of Assistant Engineer. In the year 2019, he

was compulsorily retired. The same is challenged in O.A. No.741/2020, which is still pending. The applicant made several representations with a

request to furnish him the Annual Performance Appraisal Reports (APARs) of the years 2016-17 and 2017-18. The same were furnished to him

through a communication dated 31.03.2020 informing him that he was served with the copies of APAR of 2016-17 on 30.10.2017 and APAR of 2017-

18 on 26.07.2018 and that he has also issued a receipt therefor. This O.A. is filed, challenging the orders dated 19.02.2020 and 31.03.2020.

2. The applicant contends that the APARs of 2016-17 and 2017-18 were not communicated to him and they constituted the basis for passing the order

of compulsory retirement. He contends that the respondents are not supposed to act on the un-communicated APARs. He submitted that since the

APARs for the period referred to above are not communicated, they deserve to be ignored.

3. We heard Mr. M D Jangra, learned counsel for applicant and Mr. G S Virk, learned counsel for respondents, at length, at the stage of admission, through video conferencing.

4. The prayer in the O.A. is to declare the action of the respondents in not communicating the APARs of 2016-17 and 2017-18 in the stipulated period,

as illegal, and direct the respondents to ignore the same, including the adverse remarks and secret notes attached thereto. Another prayer is to quash

the communications dated 19.02.2020 and 31.03.2020.

5. The applicant contends that the APARs for the two years referred to above were not communicated to him.

6. Froth this, it becomes clear that the applicant was furnished the APARs 30.07.2017 and of 2017 sad, if not for the years 2016-17 on 18, on

26.07.2018 it is very in hem. he pica from the applicant that though he issued a receipt, he did not receive the copies of APARs for the two years. He

is not an illiterate person and if, in fact, he issued receipt without receiving the APARs, he does not deserve to hold any post whatever, that too, in the

Department, like, Defence. Through the second communication dated 19.02.2020, the copies of APARs were furnished to him since he made a

request for that. It is just un-understandable as to what detriment is caused to the applicant on account of these two communications.

7. Even if there is any delay in communicating the APARs, the assessment made therein does not become irrelevant. At the most, the time for

submission of representation for upgradation of APARs can be extended. The APARs cannot be obliterated on account of so-called delay. In the

instant case, such delay did not occur at all.

8. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.