
(2011) 07 DEL CK 0426
In the Delhi High Court
Case No : Writ Petition (C) 8578 of 2010

Dev Raj Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 06-07-2011

Acts Referred:

Citation : (2011) 07 DEL CK 0426

Hon'ble Judges : Sunil Gaur, J;Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Jyoti Singh and Amandeep Joshi, for the Appellant; Pradeep Kumar and Eram Khan and Abdus Salam, Asst. Commandant, CISF, for the Respondent

Judgement

Pradeep Nandrajog, J.—A short issue arises for consideration and concerns the ACR of the Petitioner for the period 1.4.2004 till 06.03.2005.

2. The Reporting Officer awarded the ACR grading "Very Good" which was downgraded by the Reviewing Officer to "Good".

3. Petitioner, being a Commandant was considered for further promotion to the post of Senior Commandant, along with other eligible candidates, and at the DPC held in January 2009 could not make the grade for the reason benchmark prescribed was "Very Good". Whereas for the other years Petitioner had achieved the grading "Very Good", for the year in question i.e. 1.4.2004 - 31.3.2005, the grading "Good" which was the downgraded grading awarded by the Reviewing Officer stood in the way of the Petitioner.

4. Realizing that the ACR grading being below benchmark had operated adversely to the Petitioner, after the DPC had met, it was communicated by the department to the Petitioner that his ACR grading was "Good" and the Petitioner was granted an opportunity to make a representation, which opportunity was availed by the Petitioner, but without success. The representation was rejected.

5. The ACR proforma with the relevant entries therein has been produced by

learned Counsel for the Respondent for our perusal and we have perused the same.

6. Part v. of the ACR proforma relates to the entries to be made by the Reviewing Officer and vide serial No. 3, the Reporting Officer is to give his comments on the query:

Do you agree with the assessment of the officer given by the Reporting Authority? (In case of disagreement please specify the reasons. Is there anything you wish to modify or add?)

7. The same has been answered by the Reviewing Officer by recording:

Grading given has not been justified by the Group Commandant. He is good Deputy Commandant.

8. Suffice would it be to state that while recording reasons for disagreeing with the assessment of the petitioner as given by the Reporting Officer, the Reviewing Officer has written that the Group Commandant i.e. the Reporting Officer has not justified the final grading awarded by him i.e. "Very Good".

9. This apparently means that the Reporting Officer has found a mismatch between the final grading awarded by the Reporting Officer, vis-a-vis the comments as also the grading on the various individual parameters upon which the Reporting Officer was obliged to pen his comments under Part III and IV of the ACR proforma.

10. Under part III and IV of the ACR proforma, pertaining to the various parameters, the comments of the Reporting Officer are as under:

Part III

A. Nature and quality of work

(1) Please comment on Part II as filled in by the officer and specifically state whether you agree with the answers relating to targets and objectives, achievements and shortfalls. Also specify constraints, if any, in achieving the objectives.

I agree.

(2) Quality of output:

Please comment on the officer's quality of performance having regard to standard of work and program objectives and constraints if any.

officer's standard of work and quality has been Good. His performance has been with the satisfaction of seniors.

(3) Knowledge of sphere of work:

Officer is well versed with rules and regulations and has been able to

complement it as per requirements intelligently.

B. Attributes

(1) Attitude to work:

Please comment on the extent to which the officer is dedicated and motivated and his/her willingness and initiative to learn any systematize his/her work.

Highly dedicated and motivated officer, shows initiatives to learn and willingness to do the job.

(2) Initiative:

Please comment on the capacity and resourcefulness of the officer in handling unforeseen situations on his/her own and willingness to take additional responsibility and new areas of work.

Well efficient and resourceful officer. Competent in handling unforeseen situations. Also always willing to accept additional responsibilities.

(3) Decision-making ability:

Very efficient functions in taking decisions vis-a-vis alternatives.

(4) Ability to inspire and motivate:

Please comment on the capacity of the officer to motivate, to obtain willing support by own conduct and capacity to inspire confidence.

Officer has all qualities and efficiently can motivate his subordinates to seek their support and confidence to achieve required targets.

(5) Communication skill (written and oral):

Very clear and confident while present his view point and arguments.

(6) Inter-personal relations and team work:

Please comment on the quality of relationship with superiors, colleagues and subordinates and on the ability to appreciate other's point of view and take advice in the proper spirit. Please also comment on his/her capacity to work as a member of a team and to promote team spirit and optimize the output of the team.

He has maintained very good relation with all concern, supports and accepts other's view point and can be a front member of team to get better results.

(7) Relations with public:

Please comment on the Officer's accessibility to the public and responsiveness to their needs.

Maintains very good relation and promptly respond to their needs and

requirements.

(8) Relations with the Management of the undertaking:

Please comment on the officer's accessibility to the Management and responsiveness to their needs.

Officer has maintained very good relation and has responded to their needs and requirement.

(9) Aptitude towards Scheduled Caste/Scheduled Tribes/Weaker Sections of Society:

Please comment on his/her understanding of the problems of Scheduled Castes and Scheduled Tribes/Weaker Sections and willingness to deal with them.

Considerate sympathetic towards SC/ST and weaker section and tries to solve their problems.

C. Additional Attributes

(1) Planning ability:

Please comment whether the officer anticipates problems, work needs, and plan accordingly and is able to provide the contingencies.

(2) Supervisory ability and qualities of leadership:

(i) Proper assignment of tasks: Competent & efficient

(ii) Identification of proper

personnel for performing

the tasks: Efficient functions

(iii) Guidance in the performance

of tasks: Does it efficiently

(iv) Review of performance: Does it efficiently and

timely

(v) Maintenance of discipline: Maintains high

standard of discipline

(vi) Command and control

over subordinates: Very good and

effective

(vii) Assessment of situations

and respond them: Efficient and prompt

(viii) Power of expression

(on paper and in discussion): Very clear and confident

(ix) Moral courage to expose

and deal effectively malpractices: Very prompt and firm while dealing

(x) Concern for welfare of Highly considerate

subordinates: with positive attitude

towards welfare of

subordinates.

(3) Detection ability:

Please comment on the ability of the officer relating to detection of industrial crimes and recovery of stolen property apprehending of criminals. Officer is confident, efficient and has detection abilities related to crime and stolen property of plant and has ensured plant free from crime and incident.

(4) Protection ability:

Please comment on the officer's ability relating to industrial security, plant protection and protection to the employees of the undertakings and ability to handle law and order situations. He has ensured effective deployment in the plants to keep it free from crime/incident pilferage through close watch/surveillance and effective supervision. He can handle law and order situations efficiently.

(5) Coordination ability:

Please comment on the extent to which the officer is able to achieve coordination in formulation and implementation of tasks and programmes by different functionaries. Officer has been able to maintain very good and effective coordination with all functionaries to get better results.

(6) Aptitude and Potential:

Please indicate three fields of work from amongst the following for possible specialization and career development of the officer. Please mark 1, 2, 3 in three appropriate boxes.

1. Personnel Administration:

1

2. Law and order, internal security

2

3. General Administration (including finance)
4. Intelligence/Crime and VIP Security
5. Investigation/Detection/Prosecution/ Crime Prevention
6. Industrial Administration
7. Training Administration

3

8. Any other field (please specify)

(7) Training:

Please give recommendations for training with a view to further improving the effectiveness and capabilities of the officer. (While specifying the areas of training, it is not necessary to confine to the fields referred to in column 6).

Officer can be deputed for specialized related to industrial security and instructional courses.

Part IV

1. State of health

Physically fit and mentally alert.

2. General bearing and personality

Smart.

3. Integrity

Beyond doubt.

4. General Assessment

Sincere, hardworking, intelligent and dedicated officer. Proficient in his work and ensures professionalism and high efficiency of the force.

5. Grading

Very Good.

(The columns of the proforma have been highlighted in Bold and the Comments of the Reporting Officer have been highlighted in Italics)

11. Pertaining to serial No. 1 of Part III of the proforma, where the Reporting Officer has to pen his opinion on the nature and quality of the work, as is evident from the query itself, the same has to be a reflection of Part II of the ACR proforma. Part II of the ACR proforma is the self appraisal part of the proforma and a perusal thereof would reveal that while self appraising himself, Petitioner

has written that the management of the PSU where he was assigned duties has found his work to be of a very high quality and has opined the same to be "Very Good". By writing "I agree", the Reporting Officer has obviously endorsed the self appraisal by the Petitioner with respect to his work, in which self appraisal the Petitioner has graded his work to be "Very Good".

12. With respect to the pen profiling by the Reporting Officer in the other columns of the ACR proforma relatable to Part III and Part IV, we would simply highlight that each comment justifies an ACR grading to be "Very Good" or above.

13. Thus, it is apparent that the Reviewing Authority is completely wrong when he writes that the grading given by the Reporting Officer has not been justified by the Reporting Officer.

14. We find that the grading "Very Good" finally given by the Reporting Officer has more than been justified by the Reporting Officer. We would highlight that the Reviewing Authority has not brought out as to in what manner he was of the opinion that the Reporting Officer has not justified the grading granted.

15. Accordingly we dispose of the writ petition directing the Respondents to upgrade the ACR grading of the Petitioner for the year 1.4.2004 - 31.3.2005 to "Very Good".

16. As a consequence of the above, a review DPC needs to be held and for which we issue a mandamus to the Respondents. The mandamus is to convene a review DPC as of January 2009. Candidature of the Petitioner for promotion to the post of Senior Commandant would be re-considered with reference to the revised ACR grading. If the Petitioner is found fit for promotion, he would be promoted with seniority assigned with reference to the date when person immediately junior to the Petitioner was promoted in the year 2009. Petitioner would be entitled to all consequential benefits save and except actual salary for the post of Senior Commandant, which we deny on the principle that having not shouldered the responsibility of the higher post, Petitioner would not be entitled to wages thereof.

17. Compliance would be made within a period of 6 weeks from today.

18. No costs.