
(2018) 07 CAT CK 0043

In the Central Administrative Tribunal

Case No : Original Application No. 999 Of 2015

Madhuri Dabral

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 23-07-2018

Acts Referred:

Citation : (2018) 07 CAT CK 0043

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

Bench : Division Bench

Advocate : S.K. Das, Gyanender Singh

Final Decision : Dismissed

Judgement

Aradhana Johri, Member (A)

1. The applicant is an officer of Indian Postal Service of 1989 Batch. She has challenged the Office Memorandum dated 13.02.2015 (Annexure A-1). Through the said Memorandum, her representation regarding upgradation of APAR for the period from 01.04.2013 to 31.12.2013 was rejected.

2. It is the contention of the applicant that the grading in APAR given to her is biased because she was never informed verbally or in writing that her work was not upto the mark. She has also made certain allegations against senior officers of the Department. She has also pointed out that the concerned APAR is written only by the reporting authority and the remarks of the reviewing authority are not there.

3. The applicant has prayed for quashing the order dated 13.02.2015 rejecting her representation dated 16.08.2014 as well as for setting aside the impugned adverse remarks and below benchmark grading. She has also sought directions to the respondent-department to upgrade her APAR for the period 2013-2014 to 'Outstanding'.

4. The respondents have stated that the applicant's APAR for the period from

01.04.2013 to 31.12.2013 was communicated to her vide letter dated 13.08.2014 and she was given opportunity to submit representation within 15 days. She submitted her representation on 29.08.2014. The reporting officer gave detailed comments on the same. The competent authority had observed that the applicant has not been able to substantiate her argument for improving the grading and expunction of adverse remarks given by the reporting authority.

5. Heard learned counsels for both the parties.

6. The APAR in question is below benchmark with grading of 5.32 and has certain adverse remarks in it. Even though the reporting officer has said that the applicant is a very capable officer but has given factual remarks that her attention was getting distracted because of her being preoccupied elsewhere. He has also indicated that her subordinates found her behavior to be inconsiderate and felt threatened. It is found that reporting officer has given due reasons. In other portion of the adverse remarks also, he has reported factual points as to why he found the applicant's work not upto the mark. In the comments, which were sought on applicant's representation, there is also allegation of harassing her subordinates.

7. As far as contention of the applicant regarding maintaining the memorandum of service is concerned, it is supposed to be of assistance in writing the APARs/ACRs. However, in the APAR/ACR, the system of self assessment and setting of targets etc. provides all necessary information required for assessing the performance. Further, the reporting officer has to see the work of the officer being reported upon for a certain period of time (within three months) so that he is well acquainted with the work of the officer reported upon and only thereafter can he record the APAR/ACR.

8. Insofar as the question as to why the APAR was not reviewed is concerned, as per the arguments of the respondents and perusal of record, it appears that reviewing authority had superannuated and, therefore, could not review the remarks. This does not vitiate the APAR in any way.

9. The scope for interference with the APARs by a Court or Tribunal is very limited. It is only when the employee substantiates and establishes bias or where the reasons furnished in support of the gradings are self contradictory or contrary to record, the possibility may exist to intervene. In this matter, no such grounds have been made out. Therefore, we find no merit in the OA and it is dismissed accordingly. There shall be no order as to costs.