
(2019) 04 CAT CK 0059

In the Central Administrative Tribunal

Case No : Original Application No. 2262 Of 2017

Rahul Gosain

APPELLANT

Vs

Union Of India Through The Secretary

RESPONDENT

Date of Decision : 24-04-2019

Acts Referred:

Citation : (2019) 04 CAT CK 0059

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, J

Bench : Division Bench

Advocate : Yogesh Sharma, Ravi Kant Jain

Final Decision : Disposed Off

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Deputy Chief Mechanical Engineer in North Eastern Railway. His APAR for the period 01.04.2015 to 24.07.2015 was rated as "Good" by the Reporting, Reviewing and Accepting Authorities. He made a representation to the Accepting Authority, the third respondent, on 17.09.2015 with a request to upgrade his APAR. Through an order dated 05.04.2016, the third respondent refused to accede to the request of the applicant. The same is challenged in this OA.

2. We heard Shri Yogesh Sharma, learned counsel for the applicant.

3. The APAR in question was rated as "Good" by all the three authorities. Since it is below Bench mark, the applicant made a representation. However, it should have been to the competent authority i.e. the respondent No.2. The question of accepting authority upgrading the same does not arise.

4. We, therefore, dispose of the OA leaving it open to the applicant to submit a representation to the second respondent. If such a representation is made within four weeks from today, it shall be entertained by the said respondent without raising any objection as to limitation and appropriate orders shall be passed

thereon, in accordance with law, within a period of two months from the date of receipt of the representation.

There shall be no order as to costs.