
(2021) 03 CAT CK 0057

In the Central Administrative Tribunal

Case No : Original Application No. 547 Of 2021

Robin Singh

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 12-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0057

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

Bench : Division Bench

Advocate : Tushar Ranjan Mohanty, R.V. Sinha, Amit Sinha

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Junior Statistical Officer in National Sample Survey Office, Ministry of Statistics and Programme Implementation. He filed this OA with a prayer to quash and set aside the Remarks in the Annual Performance Appraisal Report (APAR) for the year 2017-2018, in the Integrity Column.

2. The Reporting and Reviewing Officers indicated the integrity of the applicant as 'doubtful'. The Accepting Officer agreed with the same. Thereafter, the applicant made a representation to the Competent Authority. Through an order dated 17.07.2020, the Competent Authority informed the applicant that he agreed with the grading and remarks in the APAR for the year 2017-2018 made by the Reporting and Reviewing Officers. The applicant filed this OA challenging the order dated 17.07.2020. He made extensive reference to OM of the Government, which prescribed procedure to be followed, for making entries about integrity. It is stated that the prescribed procedure was not followed.

3. We would have certainly examined the issue in detail after hearing the respondents. What has shocked the Tribunal is that not only the applicant has arrayed Reporting and Reviewing Officers as parties by name, as Respondent No.

3 and 4, but also made devastating remarks against Respondent No.4 in para 4.5 of the OA. The relevant portion reads as under:

"4.5. That the Applicant wishes to humbly submit here that the Adverse Entry that was given to the Applicant was by Respondent No. 4. Respondent No. 4 was the immediate Supervising Officer of the Applicant, but Respondent No. 4 is a Goonda Element and he once invited several Anti-Social Elements to the Office at Agra one day and pointed out the Applicant. He threatened the Applicant that he will ensure that the Applicant will be beaten brutally by his Hench Men and his future will be spoiled. The reason for this was that Respondent No. 4 was running a racket in the Office and collecting money from the Staff and other Organisations/Individuals connected with the Office, which was later being divided between the three Private Respondents, but the Applicant and a few others refused pay bribes and had to face the consequences. The impugned Annual Performance Appraisal Report of the Applicant for the year 2017-2018 (Annexure A-2) is one such action." (Emphasis supplied)

4. Such insinuations have no place in the pleadings before a legal forum. Even if the applicant has no control on himself in making such remarks, that too against his superiors, the Advocate is required to be careful, and to avoid such unparliamentary and devastating comments against anyone. The Reporting or Reviewing Authorities are not only conferred with the power, but also are placed under the duty to reveal their views on the functioning of the officer, being reported. The applicant is literally blackmailing the superior officers in the Department for discharging their duties. The Tribunal cannot entertain an OA with such unparliamentary language and indisciplined comments against the superiors. We also take serious exception to the manner in which the OA was drafted by the learned counsel.

5. We dismiss the OA. We also leave it open to the fourth respondent in particular, and the department in general, to take necessary steps on the comments made by the applicant. No costs.