

ORDER(ORAL)

JUSTICE V.K.BALI, CHAIRMAN

At the very outset learned counsel states that the civil suit filed by the applicant has since been withdrawn.

2. Shri Ashok Kumar Khanna, the applicant herein, has filed this application under section 19 of the Administrative Tribunals Act, 1985, calling in question order dated 8.8.2006 (Annexure A-1) vide which he was conveyed adverse remarks in his confidential ACRs for the year 2005-06; order letter dated 2.4.2008 (Annexure A-3), vide which the representation against the adverse remarks was rejected as also order dated 2.4.2008 (Annexure A-3) rejecting the appeal of applicant against the order at Annexure A-2.

3. We have heard learned counsel for the applicant and with his assistance examined the record of the case.

4. All that has been urged in support of the present Original Application is that the appellate authority dismissed the appeal of the applicant by a non-speaking and cryptic order and therefore, said order should be set aside. We find no merit in the only contention made by learned counsel for the applicant as referred to above.

5. We need not refer to various columns containing adverse remarks in the confidential report of the applicant for the year 2005-06. Suffice it to mention that in most of the columns

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applicant has been assessed as "below average". The overall grading is also "below average". In most of the columns, the reasons for giving remarks against "below average" have also been given.

6. The representation of the applicant has been dealt with by a speaking order upholding the grounds given in the confidential report for the year 2005-06. All contentions raised by the applicant with regard to adverse remarks have been dealt with and, in our view, correct conclusion has been arrived at. It is well settled proposition of service jurisprudence that if an employee is given adverse remarks, the reasons thereof must be given. As mentioned above, in most of the columns of the ACR of the applicant, the reasons have been given. Be that as it may, the appropriate authority has threadbare considered representation of the applicant and has, by process of reasoning, rejected the same.

7. Assessment of work and conduct of an employee is normally in the domain of the concerned authorities and unless some procedural lapse is shown or that principles of natural justice have not been adhered to, there will be very little scope to interfere.

8. Insofar as, the contention of learned counsel for applicant that appellate authority has passed a non speaking order is concerned, we specifically asked counsel for the

applicant as to whether any appeal under rules is competent, the only reply was whether appeal is competent or not, same has been considered and it is not a case that appeal might have been dismissed as not competent. We are of the view that when under the rules, there may not be any provision to file an appeal, or, in other words, there is no provision for appeal in the statute, there would be no requirement for the appellate authority to pass speaking order. If after examining or going through the order under appeal, the appellate authority may find the same to be in order, it need not record reasons for upholding the said order.

9. Finding no merit in this Application, we dismiss the same.

(Khushiram)
Member(A)

(V. K. Bali)
Chairman

HC*

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सचिव न्यायालय (अध्यक्ष)

अध्यक्ष (जुज)

Central Administrative Tribunal

चण्डीगढ़, चण्डीगढ़/Chandigarh Bench

चण्डीगढ़/CHANDIGARH