

(2024) 10 CAT CK 0022

Central Administrative Tribunal Principal Bench, New Delhi

Case No: Original Application No. 98 Of 2022

Renu Pandey

APPELLANT

Vs

Kendriya Vidyalay Sangthan 18,
Shaheed Jeet Singh Marg New
Delhi 110016 Through-
Commissioner & Ors.

RESPONDENT

Date of Decision: Oct. 18, 2024

Acts Referred:

- Administrative Tribunals Act, 1985 - Section 19

Hon'ble Judges: D. S. Mahra, Member (J); Varun Sindhu Kul Kaumudi, Member (A)

Bench: Division Bench

Advocate: D K Joshi, Syed Nadim

Final Decision: Disposed Of

Judgement

D. S. Mahra, Member (J)

1. By way of the present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought the following reliefs:-

â€œA) Quash/ set aside downgrading of APAR,PART-5(01.04.2020 to 31.03.2021) by reviewing officer dated 02/08/21

B) Quash/ set aside the order dated 21/9/2021 rejecting representation of the applicant against the downgrading of APAR by the reviewing officer and affirm the grading by the reporting officer

C) Quash/ Set aside order extending probation period dated 05(6)/08/2021

D) Pass any other order as may be deemed fit in the facts and circumstances of the case.â€

2. The main prayer in the O.A. is for setting aside the order dated 02.08.2021, whereby the reviewing officer has down-graded the APAR, PART-

5(01.04.2020 to 31.03.2021) of the applicant. Learned counsel appearing for the applicant submits that the reporting officer has graded the applicant

as 7.15 on 08.07.2021 for the aforesaid period (page 62 of the paper book). However, the reviewing officer has reduced the said grading to 3.63 (page

22 of the paper book). He submits that since the applicant earlier had made a complaint against the reviewing officer, i.e., Respondent Nos. 4 and 5,

therefore, they have malice against the applicant as a result of which they have down-graded her APAR to 3.63 from 7.15, thereby violating the

principles of natural justice.

3. Mr. Syed Nadim, learned counsel appearing for the respondents submits that the applicant left the place of working without informing the Principal

against which a report was submitted by the Principal to the higher authorities on 01.07.2020 and on that counterblast, the applicant made a complaint

against the Principal on 09.09.2020, i.e., after a lapse of eight months of the date of occurrence of incident. He further submits that a committee was

constituted to enquire into the said complaint and it was found that there was no substance in the said complaint.

4. Learned counsel for the applicant, while rebutting the aforesaid contention of the respondents, submits that the applicant was not willfully absent but

remained absent due to the Covid pandemic and for the reason that she was pregnant during the period. The applicant was also allowed to work from

the Home.

5. Heard the learned counsels for both the parties and perused the records.

6. It is apparent that the immediate officer has graded the applicant as 7.15 for the period 01.04.2020 to 31.03.2021 but subsequently the said grading

has been down-graded by Respondent Nos. 4 and 5, being the reviewing officer, without giving any cogent reason for the same. Apparently, there is a

complaint filed by the applicant against the respondent Nos. 4 and 5, i.e., Principal, who was the reviewing officer of the applicant.

7. We have perused the APAR of the applicant for the previous year, i.e., 01.04.2019 to 31.03.2020, wherein the same officer, i.e., Principal has

graded the applicant as 5.79 and even subsequently, for the year 01.04.2022 to 31.03.2023, the next Principal has also graded the applicant as 8.17.

8. In view of above, we are of the considered view that the grading given to the applicant for the period 01.04.2020 to 31.03.2021 was not awarded

reasonably and that too without giving any cogent reasons. We, therefore, set aside the impugned order dated 02.08.2021, whereby the APAR,

PART-5 (01.04.2020 to 31.03.2021) of the applicant was down-graded. Accordingly, we direct the respondent No. 2, i.e., Asst. Commissioner, KVS,

Regional Office, Kolkata to review the APAR of the applicant for the period from 01.04.2020 to 31.03.2021 within a period of two months from the

date of receipt of a certified copy of this Order, as per the extant rules. We also set aside the order dated 21.09.2021, whereby the representation of

the applicant was rejected.

9. With the above directions, the O.A. stands disposed of. No order as to cost.