

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9748 OF 2013

Dutta K.K.

Petitioner

Vs.

Bharat Sanchar Nigam Ltd.,
and Others

Respondents

Mr. M.S. Karnik i/by Mr. Sanskar Marathe for the
Petitioner.

Ms Neeta V. Masurkar for Respondent Nos.1 to 3.

CORAM: D.H. WAGHELA, C.J. AND
SMT. V.K. TAHILRAMANI, J.

DATE : 15TH FEBRUARY, 2016

P.C:

1. The petitioner has invoked the writ jurisdiction of this Court to call into question the order dated 8-5-2013 of the Central Administrative Tribunal, Bombay Bench, passed in Original Application No.374 of 2012.

2. The petitioner, the applicant before the Tribunal, was aggrieved by the rejection of his representation made against the grading given in the Annual Performance Assessment Report ("APAR", for short) for the year 2008-2009, recorded by the Reporting Officer and confirmed by the Reviewing Authority.

That order dated 2-6-2011 categorically mentions that the Senior General Manager (Personnel) of the respondent-Corporation had obtained comments of the Reporting and Reviewing Authorities in accordance with the provisions of DOP&T OM No.21011/1/2005-Estt.(A)(Pt.III), dated 14-5-2009. It also states that after carefully examining APAR for the period from 1-4-2008 to 31-3-2009 and upon an objective assessment of the facts available, considering all the other relevant material on record and the contentions made by the petitioner, it was observed that the assessment of performance of the petitioner was objectively and fairly done. Therefore, the grading based on such assessment did not require any alteration, even after consideration of the representation of the petitioner.

3. In any case, the gradation in question is, admittedly, not adverse to the petitioner. However, the petitioner appears to have approached the Tribunal with several grievances of technical nature and those grounds have been given up before us. The only contention pressed by learned counsel for the petitioner was that the representation of the petitioner was not duly considered and the grading of "Good" approved and maintained by the Authorities, would come in the way of promotion of the petitioner. The Tribunal has found the impugned order dated 2-6-2011 on the representation of the petitioner to be self-contained and reasoned. Even before this Court the petitioner has not succeeded in substantiating the plea

of any arbitrariness or bias in the process of arriving at the impugned decision on the representation of the petitioner.

4. It would be legally impermissible for this Court, in exercise of extraordinary writ jurisdiction, to substitute its own views for the views of the appropriate Authorities, particularly when no remark adverse to the petitioner has been made. Thus, finding no merit in the contentions of the petitioner, the petition is summarily dismissed.

(CHIEF JUSTICE)

(SMT. V.K. TAHILRAMANI, J.)