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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 3260/2018 AND CM APPL. 12850-12853/2018

UNION OF INIDA & ANR ..... Petitioner

Through Mr. Ruchir Mihra and Mr. M.K. Tiwari, Advs.

versus

S.R. SENAPATI ..... Respondent

Through None.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% 14.11.2018

1. The petitioners have preferred the present writ petition to assail the order dated 15.11.2016 passed by the Central Administrative Tribunal (CAT/Tribunal) in OA no. 785/2012. The respondent has filed the Original Application to assail the order dated 03.05.2011 (wrongly dated as 03.05.2010). By the said communication, the petitioners had rejected the representation of the respondent in respect of his ACR grading for the year 2005-06 which was below benchmark. The Tribunal while disposing of Original Application has merely remanded back the matter to the competent authority i.e. The Chairman, Central Board of Direct Taxes (CBDT) to re-examine and decide the representation by a reasoned and speaking order indicating the nature and extent of deficiency, if any. It was contended before the Tribunal that the assessment had to be made in respect of action plan which has

four components namely, revenue collection, processing of returns, issuance of refunds and inspection as a part of the duty of the Additional Commissioner – position occupied by the petitioner. So far as revenue collection is concerned, the respondent had achieved the target. His representation was rejected by the order dated 03.05.2011 on the premise that in respect of other three components, he himself had not disclosed his assessment.

2. The submission of Mr. Mishra is that since the officer himself had not claimed achievements in the three other components, there was no reason to review the ACR grading for the year 2005-06.

3. The Tribunal while setting aside the impugned order dated 03.05.2011 had observed that there is no mention as to nature and extent of deficiency in the performance of the applicant/respondent. Consequently, the reason furnished by the petitioners was found to be lacking.

4. We agree with the order passed by the Tribunal. The petitioner would consider the representation of the applicant/respondent and make assessment of his performance during the relevant period i.e. 2005-06 by evaluating the work done by him in all the aspects of his responsibility.

5. We do not find any merit in the petition and consequently, dismiss the same.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 14, 2018

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