

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

WRIT PETITION No.23239 of 2018

ORDER: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the petitioner and the learned Assistant Solicitor General for the respondents.

2. The challenge in this writ petition under Article 227 of the Constitution of India is a decision of the Central Administrative Tribunal refusing to come to the aid of the petitioner insofar as the rating of Annual Confidential Reports ('ACRs') for the period 01.07.2009 to 30.06.2010 is concerned. The Review Application filed by the petitioner before the Tribunal was also dismissed.

3. Going by the undisputed facts and the submissions made by the learned counsel for the petitioner and the learned Assistant Solicitor General, it can be seen that the ACR forms for the period 01.07.2009 to 30.06.2010 were admittedly received and acknowledged by the petitioner. He was graded A2/Very Good. The plea projected by him before the Tribunal through the Original Application filed nearly five years after such grading is that he ought to have been considered as A1/Outstanding. For this purpose, he warranted essentially recalculation of the total number of points earned under A1 and A2. But, the fact of the matter remains that the Reviewing Authority had applied mind and had concluded that the petitioner was entitled to rating as A2/Very Good. That was communicated to the petitioner. He did not challenge it. The grading of the petitioner as A2 thus stood unimpeached before the competent authority under the establishment while he moved the Tribunal. It was also noted by the Tribunal that the establishment had the contention that the petitioner did not appear for the interview. That

position notwithstanding, the Tribunal has quite rightly excluded itself from deciding on the classification of the rating between A1 and A2 since it was entirely a matter within the domain of the administration and in judicial review such matters would not be dealt with unless the findings of the administrative authority are palpably perverse. It is also not a case where the petitioner could plead that his case needs to be reconsidered by the establishment because he moved the Tribunal more than five years after the assessment and had not filed any appeal against the assessment though he acknowledges receipt of the ACR forms with entries, which he produced before the Tribunal as Annexure 17.

4. On the basis of the aforesaid facts, the conclusion arrived at by the Central Administrative Tribunal cannot be held to be unavailable on facts or as illegal as a result of erroneous exercise of jurisdiction in terms of the provisions of the Administrative Tribunals Act. We, therefore, do not find that any ground is administered for interference by this Court in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India.

5. This writ petition, therefore, fails and the same is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

JUSTICE Dr. SHAMEEM AKTHER,

Date: 01.03.2019
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