



WEB COPY



W.P. No.18353 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.18353 of 2021

S.V.S.Rao

... Petitioner

Vs.

1.The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.

2.The Senior Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.

3.The Assistant Commandant/Adm.,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned orders passed by the 2nd respondent in his Order No.E-36036/CISF/NLC/DOC/S-A/19/2273 dated 24.05.2019 and subsequent order passed by the 3rd respondent in his Order No.E-



W.P. No.18353 of 2021

42099/NLC(N)/APAR/DOC/2020/1338 dated 15.02.2020 quash the same and to direct the 1 to 3 respondents to upgrade the APAR grading of the petitioner against the year 2018 as numerical grading 6 (Very Good) from 5.8 (Good) and to provide all consequential service cum monetary benefits.

For Petitioner : M/s.R.Thiyagarajan

For Respondents : Mr.A.R.Sakthivel

ORDER

The petitioner herein was appointed as Constable/GD on 29.08.1990 in the Central Industrial Security Force(for short 'CISF') and continuing as such. While so, the Annual Performance Assessment Report (for short 'APAR') was submitted by the reporting officer and reviewing officer in the year 2018 by awarding 5.8 grade i.e., Good. Aggrieved by the same, the petitioner contended that he is entitled for awarding grade credits which is “Very Good”, but the reporting officer as well as reviewing officer have awarded only 5.8 Grade without assigning any reasons. He filed an appeal before the 2nd respondent. The 2nd respondent, after having considered the claim of the petitioner and having taken note of the fact that the petitioner was awarded petty punishment once during the period under review, refused to interfere in the grading that was awarded in favour of the petitioner in the APAR , by an



order dated 24.05.2019. Aggrieved by the same, the petitioner submitted yet another representation before the Deputy Inspector General of Central Industrial Security Force. But the same was rejected by an order dated 15.02.2020 holding that the second appeal cannot be entertained. Aggrieved by the said order dated 24.0.2019 and 15.02.2020, the petitioner approached this Court by filing the present writ petition.

2. Awarding of grading in the APAR is the discretion of the reporting officer and reviewing officer who have direct control over the petitioner. No straight formulas can be laid for awarding grading. The APAR guidelines, that are provided in CISF Circular No.07/2014. APAR only lays down certain general principles notifying the rules and grades. But the same does not in any manner deal with as to how grading should be awarded.

3. Reliance is placed by the learned counsel for petitioner in Sub-para (vii) of para 4 of the said circular which only requires that the material that can be considered while awarding grading and reprimanding



and APAR should only be recorded based upon the information that is available and on the basis of the aspects that were put on notice of the concerned employee. But as contended by the learned counsel for the petitioner, it is not necessary that the APAR should contain the reasons for awarding such grading. However, in the appeal that was filed by the petitioner, grading was awarded by the reporting officer and reviewing officer, the petitioner only stated that he is entitled for awarding of Grade, 'Very Good' instead 'Good'. But the petitioner has not stated as to how he is entitled for such grading, nor he attributed any malafides against the reporting officer or the reviewing officer. Even before this Court, petitioner has not disputed about imposing of the petty punishment as observed in the order dated 24.05.2019 passed by the 2nd respondent.

4. It is settled law that the scope of interference under Article 226 of Constitution of India in the matters of awarding grading in the APAR is very limited and it is only in case where malafides are attributed to the reporting/reviewing officer or in cases where the extraneous material was considered which is not within the knowledge of the petitioner or adverse



W.P. No.18353 of 2021

remarks that are not put to notice of the employee concerned are taken into consideration and thereby, the employee is down graded, there will be some scope of interference by this Court.

5. But in the instant case, none of such situations are existing. As rightly pointed by the learned counsel for the respondents, there is no allegation of malafides nor any extraneous material is taken into consideration by the reporting or reviewing officers while submitting APAR of the petitioner in the year 2018.

6. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly dismissed. The connected miscellaneous applications, if any, shall stand closed. No costs.

25.04.2024

Index : Yes/No
Speaking Order : Yes/No
dpa



WEB COPY



W.P. No.18353 of 2021

MUMMINENI SUDHEER KUMAR,J.

dpa

To:

- 1.The Deputy Inspector General,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.
- 2.The Senior Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.
- 3.The Assistant Commandant/Adm.,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation India Limited, (NLCIL),
Cuddalore – 607 802.

W.P.No18353 of 2021

25.04.2024