

HR (10m)

| RTI REQUEST DETAILS | | | |
|--|--|------------------------------|--------------------------|
| Registration No. : | PGCIL/R/2015/60018 | Date of Receipt : | 01/03/2015 |
| Type of Receipt : | Online Receipt | Language of Request : | English |
| Name : | Sanjay Thul | Gender : | Male |
| Address : | Qr. No.5, Type IV, Central Excise Colony, , Seminary Hills,, Nagpur, Pin:440006 | | |
| State : | Maharashtra | Country : | India |
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| Status(Rural/Urban) : | Urban | Education Status : | |
| Is Requester Below Poverty Line ? : | No | Citizenship Status : | Indian |
| Amount Paid : | 10 | Mode of Payment : | Payment Gateway |
| Mode(s) of information Supply : | Hard Copy | Request Pertains to : | Yet to be assign to CPIO |
| Information Sought : | <p>Supreme Court in its judgment in the case of Devdutt Vs. UOI in Civil Appeal No.7631/2002 has held that ACR/APAR of employee are required to be communicated to the employee. The abstract of the judgment is as under:-</p> <p>39. In the present case, we are developing the principles of natural justice by holding that fairness and transparency in public administration requires that all entries (whether poor, fair, average, good or very good) in the Annual Confidential Report of a public servant, whether in civil, judicial, police or any other State service (except the military), must be communicated to him within a reasonable period so that he can make a representation for its upgradation. This in our opinion is the correct legal position even though there may be no Rule/G.O. requiring communication of the entry, or even if there is a Rule/G.O. prohibiting it, because the principle of non-arbitrariness in State action as envisaged by Article 14 of the Constitution in our opinion requires such communication. Article 14 will override all rules or government orders.</p> <p>40. We further hold that when the entry is communicated to him the public servant should have a right to make a representation against the entry to the concerned authority, and the concerned authority must decide the representation in a fair manner and within a reasonable period. We also hold that the representation must be decided by an authority higher than the one who gave the entry, otherwise the likelihood is that the representation will be summarily rejected without adequate consideration as it would be an appeal from Caesar to Caesar. All this would be conducive to fairness and transparency in public administration, and would result in fairness to public servants. The State must be a model employer, and must act fairly towards its employees. Only then would good governance be</p> | | |

possible.

41. We, however, make it clear that the above directions will not apply to military officers because the position for them is different as clarified by this Court in Union of India vs. Major Bahadur Singh 2006 (1) SCC 368. But they will apply to employees of statutory authorities, public sector corporations and other instrumentalities of the State (in addition to Government servants).

2. In the regard please provide the following information.

(a) Whether your organization has implemented this judgment of the Apex Court.

(b) If your organization has not implemented this judgment, reason thereof.

(c) Provide the copy of order issued by the department/ organization in compliance of this judgment.