

केन्द्रीय रोपण फसल अनुसंधान संस्थान  
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE  
(भारतीय कृषि अनुसंधान परिषद)  
(Indian Council of Agricultural Research)  
कासरगोड - ६७११२४, केरल, भारत  
KASARAGOD - 671 124, KERALA, INDIA

No. F. 4(158)/2009-Estt.

Date: 12.11.2012

Endorsement

Govt. of India, DoPT OM No. 21011/1/2010-Estt.A dated 13<sup>th</sup> April, 2010 and dated 27<sup>th</sup> April, 2010 regarding ACRs with below benchmark grading considered in the past DPCs, endorsed by the ICAR vide its letter No.21-35/2010-CDN dated 27<sup>th</sup> July, 2010 are forwarded herewith for wide circulation among all the categories of Officers and staff working under this Institute, for information and guidance.

  
(Suresh Kumar)  
Chief Administrative Officer

Encl: a/a

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14. PS to Director/PA to CAO / Confidential Section./Library
15. The Officer-in-charge (Maintenance & Vehicles) CPCRI, Kasaragod
16. The Hon. Secretary, Departmental Canteen, CPCRI, Kasaragod
17. The Secretary (Staff Side) IJSC, CPCRI, Kasaragod
18. The Member (Staff Side), CJSC, CPCRI Regional Station, Kayamkulam.
19. Copy for uploading in the Institute Website.

Fax Message No. 5518 ICAR HQ.Dated. 28/7/10No. of Pages. 4

**INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN: NEW DELHI-110 114.**

No.21-35/2010-CDN

Dated the 27<sup>th</sup> July, 2010

**ENDORSEMENT**

The Govt. of India, Ministry of Personnel, PG & Pensions (DOPT) has issued O.M. No.21011/12010-Estt.A dated 27.4.2010 regarding ACRs with below benchmark grading considered in past DPCs. The above mentioned O. M. is being uploaded on the ICAR Web-Site [www.icar.org.in](http://www.icar.org.in) for information and further guidance.

  
( VIVEK PURWAR )  
Under Secretary (GAC)

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6. Secy (Staff Side) HJSC, ICAR, Krishi Bhawan.
7. Secy., (Staff Side), CJSC, ICAR, KAB-I, Pusa, New Delhi – 12.
8. Shri Hans Raj, ISO, (DIPA) KAB-I for putting in the ICAR Web - Site.
9. Guard file/Spare copies (10).

**No. 21011/1/2010-Estt.A**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**

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North Block, New Delhi  
Dated the 13<sup>th</sup> April, 2010


**OFFICE MEMORANDUM**

**Subject:** Below Benchmark gradings in ACRs prior to the reporting period 2008-09 and objective consideration of representation by the competent authority against remarks in the APAR or for upgradation of the final grading.

The undersigned is directed to say that prior to the reporting period 2008-09, only the adverse remarks in the ACRs had to be communicated to the concerned officer for representation, if any to be considered by the competent authority. The question of treating the grading in the ACR which is below the benchmark for next promotion has been considered in this Department and it has been decided that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPCs contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. It may be noted that only below benchmark ACR for the period relevant to promotion need be sent. There is no need to send below benchmark ACRs of other years.

2. As per existing instructions, representations against the remarks or for upgradation of the final grading given in the APAR (previously known as ACR) should be examined by the competent authority in consultation, if necessary, with the Reporting and the Reviewing Officer, if any. While considering the representation, the competent authority decides the matter objectively in a quasi-judicial manner on the basis of material placed before it. This would imply that the competent authority shall take into account the contentions of the officer who has represented against the particular remarks/grading in the APAR and the views of the Reporting and Reviewing officer if they are still in service on the points raised in the representation vis-a-vis the remarks/gradings given by them in the APAR. The UPSC has informed this Department that the Commission has observed that while deciding such representations, the competent authorities sometimes do not take into account the views of Reporting/Reviewing Officers if they are still in service. The Commission has further observed that in a majority of such cases, the competent authority does not give specific reasons for upgrading the below benchmark ACR/APAR gradings at par with the benchmark for next promotion.

3. All Ministries/Departments are therefore requested to inform the competent authorities while forwarding such cases to them to decide on the representations against the remarks or for upgradation of the grading in the APAR that the decision on the representation may be taken objectively after taking into account the views of the concerned Reporting/Reviewing Officers if they are still in service and in case of upgradation of the final grading given in the APAR, specific reasons therefor may also be given in the order of the competent authority.

  
**(C.A. Subramanian)**  
Director

To

**All Ministries/Departments of Government of India**

No. 21011/1/2010-Estt.A  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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North Block, New Delhi  
Dated the 27<sup>th</sup> April, 2010

**OFFICE MEMORANDUM**

Subject:- ACRs with below benchmark grading considered in past DPCs-reg.

The undersigned is directed to state that this Department has issued O.M. of even number dated 13.04.2010 that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPC contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. The representation is to be decided by the competent authority as per provisions in para 2 of aforesaid O.M.

2. The Hon'ble Supreme Court in their judgement dated 12.05.2008 in Civil Appeal No. 7631 of 2002 (Dev Dutt vs Union of India) had held that the 'good' entry in the ACR of the appellant which had not been communicated to him and considered in a past DPC which found him unfit for promotion, should be communicated for representation and if upgradation is allowed by the competent authority, he should be considered for promotion retrospectively by the DPC. When the petitions in SLP (Civil) No. 15770/2009, now converted to Appeal Civil No. 2872 of 2010 (Union of India vs. A.K. Goel & Ors.) were called for hearing, the Supreme Court has taken note of the apparent conflict between the decisions of the Hon'ble Court in Dev Dutt case on one hand and the judgements of Supreme Court in Satya Narain Shukla Vs UOI 2006 (9) SCC 69 and K.M. Mishra vs. Central Bank of India & Ors. 2008 (9) SCC 120 on the other hand and by their Order dated 29.03.2010, the Hon'ble Court has referred these appeals to a Larger Bench (copy attached).

3. In the light of the Orders issued by Hon'ble Supreme Court in the aforesaid SLP (Civil) No. 15770/2009, Union of India Vs. A.K. Goel & Ors., all Ministries/Departments are advised that wherever petitions have been filed in the Courts to grant relief on the basis of the aforesaid decision of the Supreme Court in Dev Dutt case, the latest Orders of the Supreme Court in A.K. Goel case may be brought to the notice of the Court.



(C.A. Subramanian)

Director

To

All Ministries/Departments of Government of India