

भारत सरकार
प्रधान मुख्य आयकर आयुक्त
का कार्यालय आंध्रप्रदेश व
तेलंगाना
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F.No. SPARROW/APARs/Pr.CCIT/2021-22/03

Date: 23.02.2022

MEMORANDUM

Sub : Proper disposal of representations in a Quasi-Judicial Manner by the Competent Authority against remarks in APARs for upgradation/down-gradation of the final grading - Reg.

Ref : Letter in F.No. HRD/PM/APAR/403/SPARROW/2021-22/10886 dated 18.02.2022 (Copy enclosed).

With reference to the above, I am directed to circulate herewith copy of the letter referred to above, the contents of which are self-explanatory, for favour of information and necessary action.

(B. Sashi Kanth)
Dy. Commissioner of Income-tax
(Hqrs)(Vig), Hyderabad

To

All Officers of Gr. 'A' cadre and ITOs in AP & TS Region.



GOVERNMENT OF INDIA
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F.No. HRD/PM/APAR/403/SPARROW/2021-22/10886

Dated: 18/02/2022

To,

All the Pr.CCsIT(CCA)/Pr.DGsIT/CCsIT/DGsIT

Subject:- Proper disposal of representations in a Quasi-Judicial Manner by the Competent Authority against remarks in APARs or for upgradation/down-gradation of the final grading.

Respected Madam/Sir,

Kindly refer to the DoPT OM No. 21011/1/2010-Estt.A dated 13th April 2010, OM No. 21011/1/2005-Estt.A(Pt.II) dated 19th May 2011 and OM No. 21011/1/2005-Estt.(A)(Part.III) dated 31st January 2014 regarding proper disposal of representations in a Quasi-Judicial Manner by the Competent Authority.

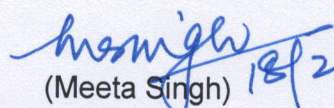
2. In this regard, I am directed to state that the Competent Authority is to decide the representation within a period of thirty days from the date of receipt of the representation objectively in a quasi-judicial manner on the basis of material placed before it. However, it has been seen that in some cases, the Competent Authorities have not given specific reasons for upgrading the below benchmark APAR grading or for expunging the APAR remarks. In this regard, the para 2 of the OM No. 21011/1/2005-Estt.A(Pt.II) dated 19th May 2011 of DoPT is as under:

“2. The UPSC has brought to the notice of this Department that in the DPCs being-held under the aegis of the Commission, orders of the Competent Authority do not contain specific reasons for such upgradation in a number of cases. Such orders cannot be termed as disposed off in a quasi-judicial manner as laid down in the aforesaid OM dated 13.4.2010. Grading an officer below the bench mark by

the DPC in such cases on the ground of upgradation being without giving sufficient reasons is prone to avoidable representations.”

3. Therefore, following the above-referred OMs of the DoPT, the Competent Authorities are directed that:
- i. The Competent Authority after due consideration may reject the representation or may accept or modify the APAR accordingly.
 - ii. They should examine the representation in consultation with the Reporting and Reviewing Officers, as per the DoPT OMs. The Competent Authorities shall take into account:
 - (a) The contentions of the officer (ORU) who has represented against the particular remarks/gradings in the APAR; and
 - (b) 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 the Reporting and Reviewing officer in the APAR.
 - iii. They shall decide the matter objectively in a quasi-judicial manner on the basis of material placed before them within a period of thirty days from the date of receipt of the representation by them.
 - iv. They shall give specific reasons and justifications for upgrading the below benchmark APAR gradings at par with the benchmark for the next promotion.
 - v. Where the representation seeks to expunge any remarks of the Reporting or Reviewing Officers, the Competent Authorities shall clearly specify whether the said remarks are “**expunged**” or “**retained**”, as the case may be.
 - vi. The Competent Authorities shall accordingly pass a detailed reasoned speaking order disposing of all representations.
4. This issues with the approval of the Chairman, CBDT.

Yours faithfully,


(Meeta Singh) 18/2

Additional Director General-1
HRD, CBDT, New Delhi