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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17.10.2025

\+ W.P.(C) 16171/2025

GOVT OF NCT OF DELHI AND ORS .....Petitioners

Through: Ms.Jyoti Tyagi, Adv. for Mr.Yeeshu Jain, CGSC.

versus

SH. RAJENDRA SINGH RAWAT .....Respondent

Through: Nemo

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 66216/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 16171/2025 & CM APPL. 66215/2025

2. This petition has been filed, challenging the Order dated 06.01.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.824/2017, titled ***Rajendra Singh Rawat v. Union of India & Ors.,*** allowing the said O.A. filed by the respondent herein, with the following directions:

> *"5. Accordingly, we unhesitatingly allow the present Original Application. The APAR of the applicant of the year 2012-13 is quashed and set aside and so is the impugned order dated 29.12.2015 passed by the Chief Secretary of*

> *the Government of NCT Delhi communicated vide letter dated 15.01.2016. While allowing this Original Application, we would like to emphasise that the APAR of the applicant of the year 2012-13 shall stand expunged and removed from his APAR dossier/personal file or any other official document. This APAR shall not be taken into consideration with respect to any of the service conditions of the applicant."*

3. At the outset, we note that the present petition was filed more than two years after the passing of the Impugned Order, on 31.03.2025. Thereafter, it took the learned counsel for the petitioners nearly seven months to remove the objections, and the petition is being listed before this Court for the first time today.

4. The learned counsel for the petitioners submits that the delay in filing the present petition was occasioned, as the petitioners were not in possession of the complete copy of the proceedings before the learned Tribunal, and further, the counsel herself was unwell for some period.

5. We do not find the aforesaid reasons to constitute 'sufficient cause' for the inordinate delay in filing of the present Writ Petition.

6. Be that as it may, we have still considered the present petition on merits.

7. The respondent herein had filed the above O.A. before the learned Tribunal, challenging his Annual Performance Appraisal Report (hereinafter referred to as "APAR") of the year 2012-13, contending that the Reporting Officer had made large scale cuttings and overwritings in as many as 17 columns in his APAR, changing the

numerical grading from 7 to 6 without adducing any reasons. It was further contended by the respondent that this, in itself, shows that the APAR had been written in a *mala fide* manner and the APAR of the respondent had been downgraded as an afterthought.

8. The learned Tribunal has accepted the above plea of the respondent, observing as under:

> *"4. We have heard the learned counsel for the parties and very meticulously gone through the records. We have time and again seen the APAR of the applicant of the year 2012-2013 and it is beyond any reasonable doubt that in as many as 24 columns, and not 17 as alleged by the applicant, overwriting has been done. No doubt, there are initials against all these overwritings in all the 24 columns and in 20 of these columns it is very obvious even to a naked eye that the initial numerical grading was 7 and by way of overwriting it has been converted to 6. Whether it was done after the APAR had been completed or before it was submitted to the Reviewing Authority would always remain in doubt. To say the least, the APAR is suspicious and it has been established that it has been tampered with. The respondents may like to justify it by saying that each correction has been attested but we are not prepared to accept the situation wherein each and every entry, without a singular exception of numerical grading, in as many as 24 columns, has been tampered with by way of overwriting. This reflects very poorly on the officials who were responsible for writing the APAR. In the normal circumstances, we would have held them accountable but because they are not a necessary party in the present OA we would refrain from passing any adverse orders. However, we have no doubt in our mind that the document called APAR of the applicant of the year 2012-2013 is a highly suspicious document which has obviously been*

tampered with and can under no circumstance be accepted as a valid document. Moreover, we fail to understand as to how the judgment relied upon by the respondents referred to in the preceding paragraphs comes to their rescue because this is a not a case of numerical grading or assessment of work and conduct but a clear cut case of tampering with what has already been recorded and we reiterate that such tampering cannot be justified as overwriting as it was not in one or two isolated places but in as many as 24 columns of numerical grading which in fact amounts to all the columns wherein such numerical grading is required."

9. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that it cannot review the APAR of an officer like acting as an Appellate Authority. In support of her submissions, she places reliance on the judgment of the Supreme Court in ***Air Vice Marshal S.L.Chhabra, VSM (Retd.) v. Union of India & Anr.,*** 1993 Supp (4) SCC 441.

10. She further submits that the APAR has been written consistently by the Reporting Officer, the Reviewing Officer and the Accepting Officer. The representation of the respondent dated 02.10.2015, for upgradation of his APAR, was rejected by the Chief Secretary, Government of NCT of Delhi, *vide* detailed Order dated 29.12.2015, which, *inter alia*, also took note of the cuttings made by the Reporting Officer. She submits that, therefore, the learned Tribunal has erred in interfering with the APAR.

11. We are unable to accept the above submissions of the learned counsel for the petitioners.

12. In the present case, a bare perusal of the APAR shows that the Reporting Officer had made large scale cuttings by downgrading the numerical grading from 7 in various columns to 6. The order of the Chief Secretary dated 29.01.2015 does not record any reason furnished by the Reporting Officer for making these cuttings in the APAR. The same also does not match with the Pen-Picture recorded by the Reporting Officer in the APAR.

13. It is trite law, that the APAR plays very vital part in the service *jurisprudence*. In this regard, we may make a reference of the Judgement of the Supreme Court in ***State Bank of India v. Kashinath Kher,*** (1996) 8 SCC 762, wherein it was opined as under:

> *"…The object of writing the confidential report is twofold, i.e. to give an opportunity to the officer to remove deficiencies and to inculcate discipline. Secondly, it seeks to serve improvement of quality and excellence and efficiency of public service. This Court in Delhi Transport Corpn. case [Delhi Transport Corpn. v. D.T.C. Mazdoor Congress, 1991 Supp (1) SCC 600 : 1991 SCC (L&S) 1213] pointed out the pitfalls and insidious effects on service due to lack of objectives by the controlling officer. Confidential and character reports should, therefore, be written by superior officers higher above the cadres. The officer should show objectivity, impartiality and fair assessment without any prejudices whatsoever with the highest sense of responsibility alone to inculcate devotion to duty, honesty and integrity to improve excellence of the individual officer. Lest the officers get demoralised which would be deleterious to the efficacy and efficiency of public service. Therefore, they should be written by a superior officer of high rank…"*

14. The same was further reiterated by the Supreme Court in ***State of U.P. v. Yamuna Shanker Misra***, (1997) 4 SCC 7, which reads as

under:-

> *"7. It would, thus, be clear that the object of writing the confidential reports and making entries in the character rolls is to give an opportunity to a public servant to improve excellence. Article 51-A(j) enjoins upon every citizen the primary duty to constantly endeavour to prove excellence, individually and collectively, as a member of the group. Given an opportunity, the individual employee strives to improve excellence and thereby efficiency of administration would be augmented. The officer entrusted with the duty to write confidential reports, has a public responsibility and trust to write the confidential reports objectively, fairly and dispassionately while giving, as accurately as possible, the statement of facts on an overall assessment of the performance of the subordinate officer. It should be founded upon facts or circumstances. Though sometimes, it may not be part of the record, but the conduct, reputation and character acquire public knowledge or notoriety and may be within his knowledge. Before forming an opinion to be adverse, the reporting officers writing confidentials should share the information which is not a part of the record with the officer concerned, have the information confronted by the officer and then make it part of the record. This amounts to an opportunity given to the erring/corrupt officer to correct the errors of the judgment, conduct, behaviour, integrity or conduct/corrupt proclivity. If, despite being given such an opportunity, the officer fails to perform the duty, correct his conduct or improve himself, necessarily the same may be recorded in the confidential reports and a copy thereof supplied to the affected officer so that he will have an opportunity to know the remarks made against him. If he feels aggrieved, it would be open to him to have it corrected by appropriate representation to the higher authorities or any appropriate judicial forum for redressal. Thereby, honesty, integrity, good conduct and efficiency get improved in the performance of public duties and standard of excellence in services constantly rises to higher levels and it becomes a successful tool to*

> *manage the services with officers of integrity, honesty, efficiency and devotion."*

15. In this regard, we may also note the observation made by this Court in ***Sh. Sandeep Dhaka v. Union Of India & Ors.***, 2025:DHC:623-DB, which reads as under:-

> *"7. At the outset, we would note that an APAR performs a very vital function for not only the assessment of an officer for his career progression, but also to inform him of his shortcomings and areas where he needs to improve. The aim of writing APARs is to have an objective assessment of an individual's professional and personal qualities, competence, personality, integrity, and employability, and to provide the individual appropriate feedback and guidance for correcting his deficiencies, and to improve his performance to serve the interest of enhancing efficiency of the Force. The assessment report of a Government employee is a privileged document, which involves a tremendous responsibility on the part of the Reporting and the Reviewing Authorities, and therefore, it is essential that the APAR is filled with due care and attention, and that the said task is not casually undertaken."*

16. In the present case, the very sanctity of the APAR has been compromised by the aforesaid action of the Reporting Officer. The learned Tribunal, therefore, has rightly held that the said APAR should be expunged and should not be relied upon.

17. The learned counsel for the petitioners submits that, even if that be so, the learned Tribunal should have remanded the matter to the petitioners for writing the APAR afresh.

18. We are unable to accept even this submission of the learned counsel for the petitioners.

19. The APAR of the respondent is of the year 2012-13, and the

Impugned Order of the learned Tribunal was passed almost ten years thereafter, on 06.01.2023. More than two years have passed even since that date and it appears that the respondent would have also reached the age of superannuation. In such circumstances, to remand the matter to the petitioners would, in fact, defeat the interest of justice and the rights of the respondent.

20. We, therefore, find no merit in the present case. The petition is, accordingly, dismissed. Pending application is also disposed of as infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 17, 2025/Arya/HS