

**Extract of Hon'ble CAT, Ernakulam Bench
OA No. 531/2007**

The Operative portion of judgement of the Hon'ble CAT, Ernakulam Bench dated 24-11-2008 in OA No. 531/2007 filed by Shri P C Muhajir:

“thus, though for certain period the applicant's performance had been graded as 'Outstanding', since it ranged from 'good' to 'Outstanding' the overall grading as 'Very good' arrived at the DPC does not appear to be improper. The Apex Court in the case of UOI vs A K Narula [2007 (11) SCC 10] has observed that “the guidelines give a certain amount of play in the joints to DPC by providing that it need not be guided by the overall grading recorded in the Confidential Reports, but may make its own assessment on the basis of the entries in Confidential Reports. DPC is required to make an overall assessment of the performance of each candidate separately, but by adopting the same standards, yardsticks and norms. It is only when the process of assessment is vitiated either on the ground of bias, malafides or arbitrariness, that the selection calls for interference. Where DPC has proceeded in a fair, impartial and reasonable manner by applying the same yardstick and norms to all candidates and there is no arbitrariness in the process of assessment by DPC, the Court will not interfere.

Keeping in view the above observation of the Apex Court when the case is considered, we are of the considered view that the grading of the DPC cannot be found fault with.”