

**No. 21011/1/2006-Estt.(A)**  
**Govt. of India**  
**Ministry of Personnel, PG & Pensions**  
**Department of Personnel & Training**

New Delhi, 28<sup>th</sup> March, 2006

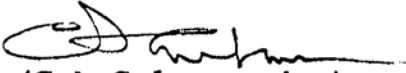
**OFFICE MEMORANDUM**

**Subject:** Communication of adverse entries/remarks recorded in the ACR.

The undersigned is directed to state that in accordance with the existing instructions of this Department, adverse entries/remarks recorded in the ACR of the official have to be communicated to him for further improvement in his performance and the official concerned has also an option to make a representation against the adverse remarks within the prescribed time limit. According to the existing instructions, the overall grading given in the ACR should however, not be communicated even when the grading given is below the bench mark prescribed for promotion to the next higher grade. The overall grading recorded in the ACR has also not to be changed in any way even after the expunction of the adverse remarks either fully or partially by the competent authority.

The Hon'ble Supreme Court has declared in its judgement, dated 22.11.2005 in UOI and Anr. Vs. Major Bahadur Singh (Civil Appeal No. 4482 of 2003) that the judgement of the court, dated 31.1.1996 in UP Jal Nigam and Ors. Vs. Prabhat Chandra Jain and Ors. SLP (Civil) No.16988/95 has no universal application and the judgement itself shows that it was intended to be meant only for the employees of UP Jal Nigam.

All Ministries/departments are accordingly requested to ensure that any challenge to the existing instructions of this Department in regard to the communication of adverse remarks in any court taking shelter in the Supreme Court judgement in UP Jal Nigam or any other judgement based on UP Jal Nigam judgement is properly defended keeping in view the above declaration of the Supreme Court in UOI vs. Major Bahadur Singh.

  
**(C.A. Subramanian)**

**DY. SECRETARY TO THE GOVT. OF INDIA**

**To:**

All Ministries/Departments of Govt. of India

**Copy to:**

1. Comptroller & Auditor General of India, New Delhi
1. Union Public Service Commission
2. Central Vigilance Commission, New Delhi
3. Central Bureau of Investigation, New Delhi
5. All Union Territory Administrations
6. Lok Sabha/Rajya Sabha Secretariat
7. All attached and subordinate offices of the Ministry of Personnel, PG and Pensions
8. All officers and sections in the Ministry of Personnel, PG and Pension
9. NIC (DoP&T) for placing this Office Memorandum on the website of DoP&T
10. Hindi Section for Hindi version of the OM.