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

+ **W.P.(C) 6467/2017 & C.M. Nos.26779-26780/2017**

D.C. MISHRA Petitioner

Through Petitioner in person.

versus

UNION OF INDIA & ORS Respondents

Through Mr.S.R. Mathur, Adv. with Mr.Gagan Mathur, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.08.2017**

C.M. No.26780/2017(for exemption)

Exemption allowed, subject to just exception.

W.P.(C) No.6467/2017

The petitioner who appears in person, has urged that his APARs for the years 2010-11 & 2011-12 were not initiated and reviewed by the initiating and reviewing officers within the time frame fixed by the Department of Personnel & Training vide OM dated 16th February, 2009 and consequently, they lost their right to initiate and review the said APARs. In this regard, we find that the APAR for the year 2010-11 was initiated by the reporting officer on 18th May, 2011 and the reviewing officer had reviewed the said APAR on 25th May, 2011. The submission of the petitioner that there is



interpolation of the date by the reporting officer, cannot be accepted since the same clearly appears to be dated 18th May, 2011. If that were so, the reviewing officer could not have reviewed the same on 25th May, 2011.

So far as the APAR for the year 2011-12 is concerned, it appears that the reporting officer had reported the same only on 27th August, 2012 i.e. beyond 30th June of the year in which the financial year ended.

Prima facie, it appears that the reporting officer could not have initiated the said APARs.

Issue notice to the respondents.

Counsel for the respondents accepts notice. Let the counter affidavit be filed on the aforesaid aspect within four weeks. Rejoinder thereto be filed before the next date of hearing.

List on 2nd November, 2017.

The observations made by the Tribunal qua the medical condition of the petitioner shall remain stayed in the meantime.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 01, 2017/aa