

SECTION IV B

Listed on 11.11.2014

Court No.5

IN THE SUPREME COURT OF INDIA

Item No.102

CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 22319 OF 2013.

WITH PRAYER FOR INTERIM RELIEF

Union of India

....Petitioner(s)

Versus

Gobinder Singh & Ors.

....Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 12.07.2013, when the Court was pleased to pass the following order:-

" Delay condoned.
Issue notice.
Tag with Civil Appeal No...of 2010
arising out of SLP(C) No. 15770 of 2009
etc."

It is submitted that show cause notice was issued on 08.08.2013 by registered A.D. Post to respondent nos. 1 to 3. Neither A.D. card nor unserved cover containing notice has been received back from the Respondent nos. 1 to 3 so far.

The matter above mentioned alongwith connected main matter Civil Appeal No. 2872/2010 was listed before the Hon'ble Court on 20.11.2013, when the court was pleased to pass the following order:-

" This is a group of 24 matters - 4 Civil Appeals and 20 Special Leave Petitions.
2. These matters have been posted before a Bench of three Judges in light of the order dated 29.03.2010 which reads as follows :-

" Leave granted.

In view of the apparent conflict between the decisions of this Court in Dev Dutt vs. Union of India & Ors. 2008 (8) SCC 725 on the one hand and Satya Narain Shukla vs. Union of India 2006 (9) SCC 69 and K.M. Mishra vs. Central Bank

of India and others 2008 (9) SCC 120, these appeals are referred to a Larger Bench. Let the matter be placed before the Hon'ble the Chief Justice of India for this purpose."

3. The above reference is wholly and squarely answered by a three Judge Bench in Civil Appeal No. 5892 of 2006 - *Sukhdev Singh Vs. Union of India and Others* - decided on 23.04.2013 reported in (2013) 9 SCC 566. The three Judge Bench in *Sukhdev Singh* (supra) ruled as follows :-

"8. In our opinion, the view taken in *Dev Dutt* that every entry in ACR of a public servant must be communicated to him/her within a reasonable period is legally sound and helps in achieving threefold objectives. First, the communication of every entry in the ACR to a public servant helps him/her to work harder and achieve more that helps him in improving his work and give better results. Second and equally important, on being made aware of the entry in the ACR, the public servant may feel dissatisfied with the same. Communication of the entry enables him/her to make representation for upgradation of the remarks entered in the ACR. Third, communication of every entry in the ACR brings transparency in recording the remarks relating to a public servant and the system becomes more conforming to the principles of natural justice. We, accordingly, hold that every entry in ACR - poor, fair, average, good or very good - must be communicated to him/her within a reasonable period.

9. The decisions of this Court in *Satya Narain Shukla vs. Union of India and others*, (2006) 9 SCC 69, and *K.M. Mishra vs. Central Bank of India and others*, (2008) 9 SCC 120, and the other decisions of this Court taking a contrary view are declared to be not laying down a good law."

4. Ms. Indira Jaising, learned Additional Solicitor General, submits that in *Dev Dutt Vs.*

Union of India & Ors., 2008 (8) SCC 725, the cut-off date for the applicability of the judgment has not been decided. She submits that this aspect needs to be decided by a larger Bench.

5. We do not think so. The only point on which reference is made stands answered by the judgment in *Sukhdev Singh* (supra). In this view, there is no necessity of any further consideration by the larger Bench.

6. The matters shall now be posted before the concerned Bench.

7. The contention about cut-off date raised on behalf of the Union of India may be raised before the concerned Bench. The private petitioners/appellants may also raise any other point which in their view needs to be considered by the Bench."

The matter above mentioned was listed before the Ld. Registrar's Court on 22.04.2014, when inter alia following Order was passed:-

".....SLP(C) NO.22319/2013

On filing of process fee and spare copies in four weeks time notices be re issued to respondent Nos. 1 and 3 through the concerned District Court in addition to usual mode.

Similarly, the ld. counsel for the petitioner to move the application for amending of the cause title by next date and on compliance same be placed before the Hon'ble Judge in Chambers for necessary orders/directions...."

It is further submitted that Counsel for the petitioner has not filed Process Fee and Spare Copy of SLP. Hence, show cause notice could not be issued to unserved respondent nos. 1 to 3 through concerned District Court and by registered A.D. Post.

It is further submitted that counsel for the petitioner has not filed application for amendment of the Cause Title so far.

Service of show cause notice is not complete on respondent no. 2.

The matter is listed before the Hon'ble Court with this office report.

Dated this the 10th day of November, 2014.

Copy to :-Mr. B.V. Balram Das, Adv.

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR

Haokip