

SECTION XII
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

**PETITIONS FOR SPECIAL LEAVE TO APPEAL (C) Nos. 31202-31203
of 2011**

WITH
PRAYER FOR INTERIM RELIEF

Union of India & Ors. ...Petitioners
-Versus-
P. Alex Philip ...Respondents

OFFICE REPORT

The matter above mentioned alongwith main matters were listed before the Hon'ble Court on 20th November, 2013 when the Hon'ble Court was pleased to pass 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. "

It is submitted that Mr. V. Ramasubramanian, Advocate for sole respondent has on 11.7.2012 filed counter affidavit. Copy of the same has already been included in the paper books but counsel for the petitioner has not filed rejoinder affidavit till date.

Service of show cause notice is complete.

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

Dated this, the 10th day of November, 2014.

ASSISTANT REGISTRAR

COPY TO: Mr. B. Balaji, Advocate.
Mr. V. Ramasubramanian, Advocate.

ASSISTANT REGISTRAR

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