

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14167/2013

(Arising out of impugned final judgment and order dated 17/08/2012 in CWP No. 8439/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

PARVEEN CHOPRA & ORS.

Respondent(s)

(with appln. (s) for permission to file additional documents and prayer for interim relief and office report)

Date : 07/07/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Tushar Mehta, ASG
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. Chetan Chawla, Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent(s)

Mr. Amit Kumar ,Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioner-Union of India has challenged the order dated 17th August, 2012 passed by the High Court of Punjab and Haryana at Chandigarh in C.W.P. No. 8439 of 2012. By the impugned order, the High Court made the following observations :-

"We have heard learned counsel for the petitioner and gone through the impugned order passed by the Tribunal.

Signature Not Verified

Digitally signed by

Sukhbir Paul Kaur

Date: 2014.07.09

21:11:08 IST

On the earlier date of hearing of this writ petition,

during the course of hearing, the petitioners were asked to

Reason:

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place on record the previous ACRs of respondent No.2. In pursuance of the said order, the petitioners, vide CM No. 11091-CWP of 2012, have placed on record the ACRs of respondent No. 2 prior to the year 2008-2009 and subsequent thereto. A perusal of the same reveals that the ACRs for the last 5 years prior to 2008-2009 and subsequent thereto, i.e. for the years 2009-2010 and 2010-2011, are "Very Good". Thus, it is apparent that except the ACR for the year 2008-2009, which was challenged by respondent No.2 before the Tribunal, the other ACRs, particularly for the last 5 years and subsequent two years, are "Very Good". During the course of arguments, it has

also not been disputed that for the year 2008-2009, there is no adverse material against respondent No.2, which may justify the downgrading of his ACR from "Very Good" to "Good".
view the overall service record of respondent No.2 and the fact that the petitioners did not produce any material justifying the recording of his ACR for the year 2008-2009 as "Good", which is below the bench-mark for his further promotion, we do not find any reason to interfere in the order passed by the learned Tribunal."

Keeping in

Learned counsel for the petitioner submits that it was not open for the Court to substitute the ACR of the year 2008-2009 from "Good" to "Very Good". It is further contended that there was, in fact, no downgrading of the ACR but opinion of the assessing authority was recorded therein.

In the course of the arguments, it has been informed that during the pendency of the special leave petition, the case of the respondent-writ petitioner was considered for promotion to the higher post and he has now been granted promotion.

In view of such subsequent development, we are not interfering with the impugned order, keeping the question of

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law open for determining in some other case.

The special leave petition stands disposed of.

(Sukhbir Paul Kaur)
Court Master

(Usha Sharma)
Court Master