

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 3786 OF 2006

ANDHRA BANK

Appellant (s)

VERSUS

D. ASHOK KUMAR & ANR.

Respondent(s)

(With office report)

Date: 07/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. R.S. Hegde, Adv.
Mr. Chandra Prakash, Adv.
Mr. Prakash Chandra Sharma, Adv.
Mr. P.P. Singh, Adv.

For Respondent(s)

Mr. P.P. Singh, Adv.

Mr. M. Srinivas R. Rao, Adv.
Mr. Abid Ali Beeran P., Adv.
Mr. John Mathew ,Adv.

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

The appeal is dismissed in terms of the signed order.

(NEELAM GULATI)
SR.P.A.

(RENUKA SADANA)
COURT MASTER

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3786 OF 2006

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O R D E R

There is no dispute whatsoever that not only no chargesheet was pending against the respondent-employee herein, but no disciplinary action was contemplated against him as on the date of meeting of the Departmental Promotion Committee. It is for that reason, the High Court relied upon the decision of this Court in Union of India & Ors. v. K.V. Jankiraman & Ors. reported in (1991 (4) SCC 109) and accordingly directed the appellant-Bank herein, to give effect of the recommendation of the Departmental Promotion Committee with reference to the interview as held on 16th April, 1987.

We find no merit in the submissions made by the learned counsel for the appellant that the Circular issued by the Union of India on 12th January, 1988 is applicable to the facts of the case in hand for the simple reason that as on the date when the interviews were held during April, 1987, there was no such Circular in existence.

In the aforesaid circumstances, we are not inclined to interfere with the impugned judgment of the High Court. The appeal fails and shall accordingly stand dismissed.

.....J
(B. SUDERSHAN REDDY)

.....J
(SURINDER SINGH NIJJAR)

NEW DELHI,
APRIL 7, 2011