

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 520 OF 2012

R.K.Anand

..Appellant

versus

Union of India and others

..Respondents

O R D E R

This appeal is directed against order dated 30.11.2010 of the Division Bench of the Delhi High Court whereby the writ petition filed by the appellant was dismissed and order dated 20.1.2010 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (for short, 'the Tribunal') in O.A. No.3163/2009 and M.A. No.2254/2009 was upheld.

The appellant joined the Indian Defence Accounts Service on 12.7.1979. His case was considered for promotion to the Senior Administrative Grade but the Departmental Promotion Committee (DPC) did not recommend his case because of uncommunicated below benchmark Annual Confidential Reports (ACRs.). O.A. No.1936/2001 filed by the appellant was allowed by the Tribunal vide order dated 12.11.2001 and the respondents were directed to reconsider the appellant's case for promotion ignoring the uncommunicated ACRs. C.W.P. No.1386/2002 and C.A. No.7061/2002 filed by the respondents were dismissed by the Division Bench of the Delhi High Court and this Court respectively. Review petition filed by the respondents was also dismissed by this Court vide order dated 27.11.2008.

Having failed to persuade the High Court and this Court to entertain their challenge to the order of the Tribunal, the respondents reviewed the appellant's case for promotion to Senior Administrative Grade and, on the recommendations of the DPC, he was granted the Senior Administrative Grade vide order dated 24.7.2009.

In October 2009, the DPC considered the appellant's case for promotion to the Higher Administrative Grade, but he was not found suitable on the basis of un-communicated below benchmark ACRs. The appellant challenged the same in O.A. No.3163/2009. He also filed M.A. No.2254/2009. The Tribunal disposed of both the applications vide order dated 20.1.2010 and directed the respondents to communicate the ACRs to the appellant and reconsider his case, if the same were upgraded.

In compliance of the direction given by the Tribunal, the competent authority communicated the below benchmark ACRs to the appellant. The representation made by the latter was rejected by the concerned authority vide letter dated 28.9.2010. Thereafter, the appellant filed Writ Petition (C) No.7992/2010 for quashing the order of the Tribunal. The Division Bench of the High Court dismissed the writ petition by observing that the ratio of the judgment of this Court in *Abhijit Ghosh Dastidar v. Union of India* (2009) 16 SCC 146

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Shri R.K. Anand, In-Person

For Respondent(s) Mr. Paras Kuhad, ASG
 Mr. Abhinav Mukherji, Adv.
 Mr. R. Bala, Adv.
 Mr. Jitin Chaturvedi, Adv.
 Mr. Mridul, Adv.

UPON hearing in person and counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(Parveen Kr.Chawla)	(Phoolan Wati Arora)	
Court Master	Court Master	

[signed order is placed on the file]
