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ITEM NO.31 COURT NO.5 SECTION XIV

SUPREMECOURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18390/2012

(From the judgement and order dated 01/03/2012 in WP(C) No.8381/2011 of The
HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA & ORS

Petitioner(s)

VERSUS

V.K.SHARMA & ANR

Respondent(s)

(With appln(s) for exemption from filing c/c of the
impugned Judgment and prayer for interim relief and office report)

WITH SLP(C) NO. 18589 of 2012

(With prayer for interim relief and office report) SLP(C) NO. 18599 of
2012

(With prayer for interim relief and office report)

Date: 17/07/2012 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. P.P. Malhotra, ASG

Mr. S. Nanda Kumar, Adv.

Ms. Asha G. Nair, Adv.

Ms. Kiran Bhardwaj, Adv.

Ms. Anjali Chauhan, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

ORDER

These petitions are directed against order dated 1.3.2012 of the
Delhi High Court, whereby the writ petitions filed by the petitioners
questioning the direction given by the Central Administrative Tribunal
for consideration of the representations to be made by the respondents for
up-gradation

of their Annual Confidential Reports and in the event of up-gradation of
the remarks, convene review D.P.C. for considering their cases for
promotion to NFSG.

We have heard Shri P.P. Malhotra, learned Additional Solicitor
General and perused the record.

While dismissing the writ petitions, the High Court took cognizance
of the fact that the ACRs. of the respondents have been upgraded and the
judgment of this Court in Abhijit Ghosh Dastidar v. Union of India and
others (2009) 16 SCC 146 and held that the Tribunal did not commit any
error by issuing direction for consideration of the representations to be
made by the respondents with a further directions that in the event of up-
gradation of the ACRs, a review D.P.C. be convened for their promotion to
the next higher post.

The petitioners have not pleaded that the statement contained in
paragraph 6 of the impugned order about up-gradation of the ACRs of the
respondents is incorrect. Therefore, the direction given by the Tribunal
for consideration of their cases for promotion to NFSG cannot be faulted
and we do not find any justification, legally or otherwise, for
entertaining the petitioners' challenge to the order of the High Court.

The special leave petitions are accordingly dismissed.

The petitioners are allowed three months' time to implement the
directions given by the Central Administrative

Tribunal for consideration of the cases of the respondents for promotion to NFSG and submit a report to this effect in the Registry of the Tribunal at the end of three months' period.

The Registry is directed to send copies of this order to the respondents at the addresses mentioned in the special leave petitions.

(Parveen Kumar Chawla)
Court Master

(Phoolan Wati Arora)
Court Master