IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).1298-1299 of 2017
(Arising out of SLP(C)No(s).3599-3600 of 2012)

A.K. GUPTA **Appellant(s)**

VERSUS

UNION OF INDIA & ANR. **Respondent(s)**

WITH

CIVIL APPEAL NO.1297 OF 2017
(ARISING OUT OF SLP(C) No. 12481/2006)

Civil Appeal No(s).295-296/2012

CIVIL APPEAL No. 2949/2014

SLP(C) No. 3604-3605/2012

SLP(C) No. 35330/2012

SLP(C) No. 29515/2010

SLP(C) No. 32839/2011

SLP(C) No. 22952-22953/2010

SLP(C) No. 26437/2012

O R D E R

C.A.No(s).1298-1299 of 2017
(Arising out of SLP(C)No(s).3599-3600 of 2012):

Leave granted.

These appeals arise out of claim of the appellant for reconsideration of his case for promotion to the post of Senior Administrative Grade (SAG) in the Department of Posts, Government of India.

The appellant joined Indian Postal Services, Group-A, in 1979 and was promoted to the post of Junior Administrative Grade (JAG)

w.e.f. 31st July, 1989. He was also promoted to Non-Functional Selection Grade (NFSG). Next promotional post was that of Senior Administrative Grade (SAG), which was to be filled up as Rule 20(5) of the Indian Postal Services Recruitment Rules, out of officers of the JAG having 8 years regular service or 17 years of regular service in Grade-A post, out of which 4 years regular service should be in JAG. The appellant was considered by the DPC for the vacancies for the years 1998-1999 and 2000-2001. Since the Bench Mark for promotion was "Very Good" which the appellant did not meet, he was not recommended for promotion. The appellant did not have "very good" ACRs for the years 1990-91, 1991-92, 1995-96, 1997-98, 1998-99 and 1999-2000.

The appellant filed an application before the Central Administrative Tribunal which was allowed with a direction to convene to review to DPC, to consider the case of the appellant for promoting to SAG, ignoring the ACRs which were not "Very Good" as the said ACRs were not communicated to him. Against the said order, Union of India preferred Civil Writ Petition No.8213 of 2002 before the High Court. The High Court modified the order of the Tribunal by directing that the ACRs which were below the Bench Mark be communicated to the appellant herein on which he will be eligible to file representation. If ACRs are upgraded, then review DPC may be held. The High Court further held that if the appellant is found fit for promotion, he may be given benefit from the date he was entitled to promotion to the next post.

Aggrieved thereby, the appellant has approached this Court.

Heard learned counsel for the parties.

Submission on behalf of the appellant is that at this belated stage requiring the appellant to make representation will serve no purpose as he has retired and persons recording the ACRs have also retired. It is further pointed out that the ACRs have already been upgraded, after the judgments of the High Court, by the concerned Department vide orders dated 2nd December, 2011 and 13th December, 2011.

In view of the above, we direct that a review DPC be held and if the appellant is found fit, he may be given notional benefits without any consequential/financial benefits.

The appeals are allowed in above terms. No costs.

CIVIL APPEAL NO(S). 1297 of 2017
(Arising out of SLP(C)No(s). 12481 of 2006):

Leave granted.

It is not disputed that the downgrading remarks/adverse remarks were not communicated to the appellant-Mohan Chandra Bhatt.

Accordingly, we direct the respondents-Union of India to convey the downgrading remarks for the relevant years to the appellant within four weeks from today. The appellant will be entitled to represent against the said remarks within two weeks thereafter. If the representation is accepted, a review DPC will

be held and notional benefits will be given without any financial/consequential benefits.

The appeal is allowed in above terms. No costs.

CIVIL APPEAL NO(S).295-296 of 2012:

In pursuance of the order of the High Court, ACRs in question were communicated against which the appellant-R.K. Pahwa represented but the same has been rejected. In view of above, no further order is called for.

The appeals are accordingly disposed of. No costs.

We, however, make it clear that the appellant is not debarred from challenging the order of rejection in accordance with law, if so advised, within one month from today.

Civil Appeal No.2949 of 2014:

We do not see any ground to interfere with the impugned order. The appeal filed by the appellant-S.N. Panigrahi is dismissed. No costs.

We make it clear that dismissal of this appeal will not debar the appellant from making an appropriate representation for any surviving grievance within a period of four weeks. If such a representation is made, the same may be considered by the respondents-Union of India in accordance with law.

SLP(C)No.3604-3605 of 2012 :

We do not see any ground to interfere with the impugned order. The special leave petitions, filed by the petitioner-Vinod Kumar, are accordingly dismissed.

Pending applications, if any, shall also stand disposed of.

SLP(C)No.35330 of 2012 :

We do not see any ground to interfere with the impugned order. The special leave petition, filed by the petitioner-Tarun Kumar, are accordingly dismissed.

Pending applications, if any, shall also stand disposed of.

SLP (C) No.29515 of 2010 :

The special leave petition is allowed to be withdrawn with liberty to the petitioner-Union of India to move the High Court, if so advised.

SLP(C)No.32839 of 2011 :

The special leave petition, filed by the Union of India, is dismissed as infructuous on the statement of Mr. A.S. Nadkarni, learned Additional Solicitor General.

SLP(C)No(s).22952-22953 of 2010 and SLP(C)No.26437 of 2012 :

We do not see any ground to interfere with the impugned orders. The special leave petitions, filed by the petitioner-Union of India, are accordingly dismissed.

Pending applications, if any, shall also stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
JANUARY 31, 2017.

ITEM NO.101 COURT NO.11 SECTION XIV

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). 295-296/2012

R.K.PAHWA **Appellant(s)**

VERSUS

UNION OF INDIA & ORS **Respondent(s)**

(With office report)

WITH SLP(C) No. 12481/2006
(Interim Relief and Office Report)

SLP(C) No. 22952-22953/2010
(With Interim Relief and Office Report)

SLP(C) No. 29515/2010
(With Interim Relief and Office Report)

SLP(C) No. 32839/2011
(Interim Relief and Office Report)

SLP(C) No. 3599-3600/2012
(With appln.(s) for directions and Office Report)

SLP(C) No. 3604-3605/2012
(With appln.(s) for modification of court's order and Office Report)

SLP(C) No. 26437/2012
(With Office Report)

SLP(C) No. 35330/2012
(With Office Report)

C.A. No. 2949/2014
(With Office Report)

Date : 31/01/2017 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)/
Petitioner(s)
(SLP 3599-3600/2012 Mr. Subramonium Prasad,Sr.Adv.
SLP 3604-3605/2012) Mr. Jay Kishor Singh,Adv.

(CA 295-596/2012)	Ms. Pooja Sharma,Adv. Mr. Vikas Mehta,Adv.
(SLP 12481/2006)	Mr. Soumo Palit,Adv. Mr. M. Nishant Anand,Adv. Mr. M. A. Chinnasamy,Adv.
(SLP 29515/2010, SLP 32839/2011, SLP 29515/2010 SLP 22952-953/2010 SLP 26437/2012)	Mr. A.S. Nadkarni,ASG Mr. A.K. Panda,Sr.Adv. Ms. Sunita Sharma,Adv. Mr. R.K. Verma,Adv. Mr. Arijit Prasad,Adv. Mr. V.V.V. Pattabhi Ram,Adv. Mr. Gaurav Sharma,Adv. Mr. G.N. Kaushik,Adv. Mr. S.S. Rebello,Adv. Mr. Jai Dehadrai,Adv. Ms. Sneha P. Tendulkar,Adv. Mr. M.K. Maroria,Adv. Mr. G.S. Makkar,Adv. Mr. Shreekant N. Terdal,Adv. Mr. B. Krishna Prasad,Adv. Ms. Sushma Suri,Adv. Mr. Arvind Kumar Sharma,Adv.
(SLP 35330/2012)	Mr. Tarun Kumar (Petitioner-in-person)
For Respondent(s)	Mr. A.S. Nadkarni,ASG Mr. A.K. Panda,Sr.Adv. Ms. Sunita Sharma,Adv. Mr. R.K. Verma,Adv. Mr. Arijit Prasad,Adv. Mr. V.V.V. Pattabhi Ram,Adv. Mr. Gaurav Sharma,Adv. Mr. G.N. Kaushik,Adv. Mr. S.S. Rebello,Adv. Mr. Jai Dehadrai,Adv. Ms. Sneha P. Tendulkar,Adv. Mr. M.K. Maroria,Adv. Mr. G.S. Makkar,Adv. Mr. B. Krishna Prasad,Adv. Mr. D.S. Mahra,Adv. Mr. Arvind Kumar Sharma,Adv. Mr. P. N. Puri,Adv. Mr. Bijan Kumar Ghosh,Adv. Mrs.Sarla Chandra,Adv.

Mr. Anirudh Sharma,Adv.

Mr. Balraj Dewan,Adv.

Mr. Rohit Kumar Parmar
(Respondent-in-person)

UPON hearing the counsel the Court made the following

O R D E R

Leave granted in SLP(C)No(s).3599-3600 of 2012 and 12481 of 2006 and appeals are allowed in terms of the signed order.

In terms of the same signed order, C.A. NO.295-296 of 2012 are disposed of, C.A. No.2949 of 2014, SLP(C)No(s).3604-3605 of 2012 and SLP(C)No.35330 of 2012 are dismissed AND SLP(C) No.29515 of 2010 is allowed to be withdrawn AND SLP(C)No.32839 of 2011 is dismissed as infructuous AND SLP(C)No(s).22952-22953 of 2010 and SLP(C)No.26437 of 2012 are dismissed.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)