
(2012) 11 DEL CK 0311
In the Delhi High Court
Case No : Writ Petition (C) 7236 of 2012

Ashok Kumar

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 22-11-2012

Acts Referred:

Citation : (2012) 11 DEL CK 0311

Hon'ble Judges : Pradeep Nandrajog, J; Manmohan Singh, J

Bench : Division Bench

Advocate : Rekha Palli, for the Appellant; Ankur Chhibber, for the Respondent

Final Decision : Disposed Off

Judgement

Pradeep Nandrajog, J.—Heard learned counsel for the parties. The petitioner holds the rank of a Lt. Colonel in the Indian Army and based on his qualifications and experience was deputed to work in the office of the Directorate of Quality Assurance (DGQA) on December 28, 2008 and after two years became eligible for being permanently absorbed in DGQA, which in the parlance of the department is called Permanent Secondment. His case for Permanent Secondment was considered by a Board and notwithstanding the Indian Army according its consent for petitioner's Permanent Secondment, the Board constituted held against petitioner's Permanent Secondment holding he not being fit for Permanent Secondment in DGQA resulting in the petitioner filing WP(C) No. 5223/2012 alleging mala fide against Lt. General V.K. Mehta and pleading that at his behest the Addl. Director General Mr. U.V. Dasgupta made interpolations in the Annual Confidential Rolls of the petitioner.

2. The writ petition succeeded inasmuch as this Court noted interpolations made to show the petitioner as a person with negative traits resulting in the writ petition being allowed as per order dated September 14, 2012. The interpolated remarks were expunged and a direction was issued that petitioner's entitlement for Permanent Secondment would be reconsidered afresh.

3. Reconsidering the matter afresh the decision conveyed to the petitioner is that having not worked in the Quality Control Cell of DGQA, he would not be absorbed in DGQA, which reasoning is questioned by the petitioner as an outcome of : come what may, we will not absorb you; attitude of the respondents.
4. We note that the petitioner has been since repatriated to the Indian Army.
5. Learned counsel for the respondents informs that on a reconsideration of the matter the Director General DGQA has decided that the petitioner could work with the organization for another two years and would be assigned work in the Quality Control Cell i.e. where the work relates to Quality Assurance activities and upon reviewing his performance in said cell a decision would be taken whether or not to permanently absorb the petitioner in DGQA, and learned counsel for the petitioner on instructions from the petitioner accepts the same as a fair resolution of the dispute.
6. On the hope and belief that the past would be forgotten and fair decision would be taken when the time comes for petitioner's Permanent Secondment in DGQA, in view of the events which have transpired during the pendency of the writ petition we dispose of the same recording DGQA's willingness to take back the petitioner for a period of two years and consider his Permanent Secondment thereafter and that in these two years the petitioner would be assigned work in the Quality Control Cell.
7. Since the Indian Army had already indicated its willingness for petitioner's Permanent Secondment in DGQA we direct the MS Branch of the Indian Army to forthwith relieve the petitioner to enable him to join DGQA.
8. No costs. DASTI.