
(1992) 10 SC CK 0069

In the Supreme Court Of India

Case No : Civil Appeal (C) No. 4050 Of 1992

State of M.P. and Others

APPELLANT

Vs

Vishnu Dutta (VS) Dubey and Others

RESPONDENT

Date of Decision : 07-10-1992

Acts Referred:

Citation : (1995) 4 SCC 462 Supp

Hon'ble Judges : Yogeshwar Dayal, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. DELAY condoned.

2. SPECIAL leave granted.

3. WE have heard learned counsel for the parties. The tribunal quashed the adverse annual confidential report communicated to respondent Vishnu Dutta for the period 10/09/1983 to Sep 9/09/1984 and further directed the State government to promote him to the post of Deputy Superintendent of Police. This appeal by the State of Madhya Pradesh is against the judgment of the tribunal.

4. IT is not disputed that the service record of the respondent from 1959 to 1983 had been excellent. He received 45 rewards. The adverse confidential report for the period mentioned above was communicated to him by the order dated 30/04/1986. The respondent submitted his representation on 17/05/1986 which was rejected.

5. WE have given our thoughtful consideration to the facts of this case. It is no doubt correct that normally the tribunal is not supposed to go into the merits of the annual confidential report and quash it on the ground that there was no factual basis for recording the same, but in the facts and circumstances of this case, we are not inclined to interfere with the order of the tribunal on this point.

6. WE are, however, of the view that the tribunal was not justified in directing

that the respondent be promoted to the post of Deputy Superintendent of Police. The tribunal could only send the case back to the State government with the direction to consider the respondent for promotion. We, therefore, modify the order of the tribunal and direct the State government to consider the case of the respondent for promotion to the post of Deputy Superintendent of Police without taking the quashed adverse entry into consideration. The appeal is allowed to the above extent with no order as to costs.