

(1994) 09 SC CK 0140

In the Supreme Court Of India

Case No : Civil Appeal No. 1818 Of 1987

Union of India (UOI)

APPELLANT

Vs

A.K. Chakraborty

RESPONDENT

Date of Decision : 27-09-1994

Acts Referred:

Citation : (1995) 2 SCC 139 Supp

Hon'ble Judges : M. N. Venkatachaliah, C.J;S. Mohan, J;J. S. Verma, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. WE have heard Shri Altaf Ahmed, learned Additional Solicitor General for the appellant Union of India and Shri Avijit Bhattacharjee, learned counsel for the respondent.

2. WHILE the tribunal, in our opinion rightly, recognised the position that the appointing authority could, for sufficient reasons to be placed on record, differ from the recommendations of the Departmental Promotion Committee, it, however, found that such reasons were shown to be obtaining. According to the Tribunal, the matter, therefore, required a fresh consideration. The operative part of the tribunal's order reads:

"The Appointment Committee is at liberty to consider the recommendation of the DPC again, but in the meantime the applicant should not be placed in any post under any of his juniors."

3. The appointing authority has, thus, the liberty to consider whether the reasons justifying any departure from the recommendations of the DPC exist. The reconsideration shall be done as expeditiously as possible; but in any event not later than four months from today.

4. WE find no infirmity either of reasoning or conclusion reached by the Tribunal. The appeal is, accordingly, dismissed. No costs.