(2011) 08 DEL CK 0310

In the Delhi High Court

Case No : Writ Petition (Civil) No. 8412 of 2010

Union of India (UOI) APPELLANT

Vs

Chitra Srinivasan IRS and Others RESPONDENT

Date of Decision : 29-08-2011

Acts Referred:

Citation : (2011) 08 DEL CK 0310

Hon'ble Judges : Sudershan Kumar Misra, J;Anil Kumar, J

Bench : Division Bench

Advocate : V.S.R. Krishna, for the Appellant; Kunal Verma, for the Respondent

Final Decision : Disposed Off

Judgement

Anil Kumar, J.—The Petitioner, Union of India through its Secretary, Ministry of Finance, Department of Revenue, has challenged the order dated 31.05.2010 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 606/2010 titled as Chitra Srinivasan IRS v. Union of India and Ors., whereby the Petitioner was directed to ignore the un-communicated ACRs of the years 2002-2003 (if considered by the DPC), 2003-2004 and 2004-2005. The Petitioners were also directed to hold the review DPC to consider the Respondent No. 1 for promotion by considering the ACRs of the preceding years as provided in the O.M. No. 22011/7/98-Estt.(D) dated 6.10.2000 read with O.M. No. 22011/5/66-Estt.(D) dated 20.06.1986 of the DoPT.

2. The Petitioner has challenged the order on the ground that the order passed by the Tribunal impugned by the Petitioner is contrary to the decision of a Division Bench of this Court passed in W.P.(C) No. 6013/2010 titled as Union of India v. Krishna Mohan Dixit decided on 8.10.2010 which has been followed by other benches also.

3. During the pendency of the present petition, this Court, by order dated 16.12.2010, had directed the Petitioner to inform the Respondent No. 1, grading for the years 2002-2003, 2003-2004 and 2004-2005 and had allowed

Respondent No. 1 to submit a representation against the ACR gradings.

4. The ACR gradings for the year 2003-2004 and 2004-2005 were communicated to the Respondent No. 1.

5. Counsel for the Respondent No. 1, however, states that as a matter of fact, the said communication of the adverse ACRs as also due consideration of the Respondent''s representation thereon have all occurred much before 16.12.2010. Learned Counsel for the Respondent No. 1, on instructions, has also stated that against the grading in the said ACRs, representations were made by the Respondent No. 1 and on consideration of same, the grading of the Respondent No. 1 was upgraded.

6. Learned Counsel for the Respondent No. 1 also submits that a review DPC was held which considered the revised grading of the Respondent No. 1 for the year 2003-2004 and 2004-2005 with other ACRs of subsequent years and the Respondent No. 1 was recommended for promotion to the post of Chief Commissioner of Income Tax. Learned Counsel also contends that the Respondent No. 1 has been appointed as Chief Commissioner of Income Tax on the recommendations of the review DPC and she has already joined as Chief Commissioner of Income Tax.

7. Reliance of learned Counsel for the Petitioner on W.P. (C) No. 6013/2010 titled Union of India v. Krishna Mohan Dixit is not contested by learned Counsel for the Respondent No. 1 also.

8. Consequently, the impugned order dated 31.05.2010 in O.A. No. 606/2010 titled as Chitra Srinivasan IRS v. Union of India, directing the Petitioner not to consider the AC Rs of 2003-2004 and 2004-2005 is set aside. Since the ACRs for the said years have already been communicated and represented against and the grading of the Respondent No. 1 has already been revised and considered by review DPC and she has also been recommended for promotion and promoted to the next post, no further directions are required.

9. With these observations, the writ petition is disposed of.

CM APPL. No. 21566/2010 IN W.P. (C) No. 8412/2010

In view of the order passed in the main writ petition, this application does not survive and the same is disposed of as such.