

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment Reserved On: 27th October, 2010
Judgment Delivered On: 29th October, 2010

+ **WP(C) 3531/2003**

KRISHNA VACHHAR ...Petitioner
Through : Petitioner in person

Versus

HIGH COURT OF DELHI ...Respondent
Through: Mr.Chetan Lokur, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

PRADEEP NANDRAJOG, J.

1. Petitioner was appointed as a Lower Division Clerk in the Delhi High Court on 8.10.1971 and was promoted as a Upper Division Clerk on 15.5.1984. Having cleared a departmental promotion examination she was promoted as Assistant on ad-hoc basis (re-designated as Senior Judicial Assistant) on 28.8.1990 but was informed that she must improve her work for the reason, functioning as a Upper Division Clerk there were repeated instances of the working of the petitioner being indifferent, callous and showing no interest in her work and in respect whereof intimation was given to her from time to time. Since her working did not

improve, vide order dated 7.3.1992, ad-hoc promotion of the petitioner as an Assistant was not extended and she was reverted to the post of UDC.

2. Hereinafter the parties are at variance with each other.

3. Whereas the petitioner alleges that her ACRs till the year 1990 were excellent, they suddenly became adverse when she was made to work under one Shri Rattan Chand who harassed, threatened and misbehaved with her and out of prejudice, spoiled her ACRs.

4. The petitioner alleges that as a result of Shri Rattan Chand spoiling her ACRs she came to be compulsorily retired when the Chief Justice of the Delhi High Court exercised his powers under FR 56 (j). Petitioner alleges that she has been victimized.

5. To bring home the point that Shri Rattan Chand had been acting maliciously against her the petitioner referred to a finding returned in favour of the petitioner at a departmental inquiry. As per the Inquiry Report submitted by Shri M.L.Sahni, the then Joint Registrar of this Court, he opined that the testimony of Shri Rattan Chand against the petitioner smacked of an ill will against the petitioner.

6. We have considered the relevant record pertaining to the file wherein decision was taken by Hon'ble the Chief Justice of this Court to compulsorily retire Krishna Vachhar, the petitioner. The decision taken on 7.3.2003 shows that entire service profile of the petitioner was considered right from the year 1972. The ACR grading of the petitioner for the year 1972 till the year 2002 may be tabulated as under:-

“Gist of ACRs of Ms.Krishna Vachar

Designation	Year	Net Result
L.D.C.	1972	Average
L.D.C.	1973	Average Typist
L.D.C.	1974	Not on record
L.D.C.	1975	Satisfactory
L.D.C.	1976	Satisfactory
L.D.C.	1977	Average
L.D.C.	1978	B (Average)
L.D.C.	1979	B (Average)
L.D.C.	1980	B (Average)
L.D.C.	1981	B (Average)
L.D.C.	1982	B (Average)
L.D.C.	1983	Below Average
U.D.C.	1984	Average
U.D.C.	1985	Good
U.D.C.	1986	Good
U.D.C.	1987	Average
U.D.C.	1988	Good
U.D.C.	1989	Average
U.D.C. (Ad hoc Assistant)	1990	Below Average
U.D.C. (Ad hoc Assistant)	1991	Below Average

U.D.C.	1992	Below Average
U.D.C.	1993	Below Average (Vide letter No.9153/Estt/E-8/DHC dated 11.05.94, she was informed about the adverse remarks in her ACRs for the years ending 31.12.90 to 31.12.93)
U.D.C.	1994	Average
U.D.C.	1995	Average
U.D.C.	1996	Average
U.D.C.	1997	Average
U.D.C.	1998	Average
U.D.C.	1999	Below Average
Judicial Assistant	2000	Not on record
Judicial Assistant	2001	Average
Judicial Assistant	2002	Average

Relevant would it be to note that the “Below Average” ACR grading for the year 1999 was conveyed to the petitioner. She made a representation against the adverse remarks which were rejected. She did not challenge the rejection. The grading “Average” for the years 2001 and 2002 was intimated to the petitioner but she filed no representation against the same.

7. It may be noted that apart therefrom, with respect to 8 inquiries conducted against the petitioner in the month of May 1999 a common order was passed by the then Acting Chief Justice of this Court awarding penalty of withholding promotion to the next higher grade for a period of one year.

8. We need not comment much upon the issues urged for the simple reason the ACR grading of the petitioner as noted hereinabove do not show a very healthy service profile. Except for the years 1985, 1986 and 1988, where the petitioner was awarded grading "Good", for the rest of the years her grading is "Average" or "Below Average".

9. It may be noted that the petitioner had worked under Shri Rattan Chand during the years 1990 to 1992 and thus, Shri Rattan Chand spoiling her ACR records thereafter does not arise.

10. This Court is only to see whether there was objective material before the Competent Authority who took the decision to compulsorily retire the petitioner and whether the material justifies the petitioner being compulsorily retired.

11. Ignoring the penalties imposed upon the petitioner, ACR grading shows that the petitioner had become a dead wood and the decision taken, in public interest, to compulsorily retire the petitioner cannot be faulted with.

12. The writ petition is dismissed.

13. No costs.

(PRADEEP NANDRAJOG)
JUDGE

(SIDDHARTH MRIDUL)
JUDGE

October 29, 2010
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