

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

W.P. No.2635 of 2013

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This Writ Petition is preferred against the order passed by the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'), Hyderabad in C.P.No.18 of 2012 in O.A.No.407 of 2009 dated 19.11.2012.

The first respondent herein filed O.A.No.407 of 2009. The Tribunal, by its order in O.A.No.407 of 2009 dated 30.09.2011, partly allowed the O.A. and directed the petitioners to constitute a review DPC, to reconsider the case of the first respondent for promotion from 01.07.2008, without taking into account the adverse/unfavourable remarks in the ACRs of the relevant period that were not communicated to the first respondent, and to issue orders within a period of three months from the date of receipt of a copy of the order. The first respondent, thereafter, filed C.P.No.18 of 2012 contending that the petitioners herein had deliberately violated the order of the Tribunal. In its order, in C.P.No.18 of 2012 in O.A.No.407 of 2009 dated 19.11.2012, the Tribunal directed the petitioners herein to consider the case of the first respondent, by constituting a review DPC, and on the basis of the ACRs excluding the uncommunicated adverse reports; and, in view of the judgment of the Karnataka High Court, in **Canara Bank v. K.Surendra Prabhu**^[1], the Tribunal directed that the contemnors shall not be members of the Review DPC, and the proceedings of the review DPC shall be completed within three months.

The earlier order of the Tribunal, in O.A.No.407 of 2009 dated 30.09.2011, is not under challenge, and Sri Vemuri Venkateswara Rao, Learned Counsel for the first respondent, would submit that the

said order has attained finality. The order of the Tribunal, in O.A.No.407 of 2009 dated 07.11.2012 required the petitioners herein to constitute a review DPC, and to re-consider the case of the first respondent for promotion from 01.07.2008 without taking into account the adverse/unfavourable remarks in the ACRs that were not communicated to him. As the order of the Tribunal has attained finality, the aforesaid directions of the Tribunal necessitates compliance.

It is wholly unnecessary for this Court to now examine whether the contemnors should or should not be the members of the review DPC as both Sri Adi Venkateswara Rao, Learned Counsel for the petitioners, and

Sri V.Venkateswara Rao, Learned Counsel for the first respondent, would submit that the Chairman of the Indian Space Research Organisation (ISRO), who is the Chairman of the DPC (contemnor in C.P.No.18 of 2012), has retired from service; and a new Chairman assumed office from 01.01.2015. The order of the Tribunal, in C.P.No.18 of 2012 in O.A.No.407 of 2009 dated 19.11.2012, is set aside. The order of the Tribunal, in O.A.No.407 of 2009 dated 30.09.2011, shall be complied with within a period of three months from the date of receipt of a copy of this order.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

Date:16.02.2015

Usd

[\[1\]](#) CDJ 2008 Kar HC 380