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

+ W.P.(C) 4047/2011

% *Judgment dated 15th July, 2015*

COUNCIL OF SCIENTIFIC AND INDUSTRIAL

RESEARCH AND ANR Petitioners

Through: Mr.Vaibhav Kalra, Advocate

versus

GAUHAR RAZA AND ANR Respondents

Through: Ms.Ananya Bhattacharya, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. The challenge in the present writ petition is to the order passed by the Central Administrative Tribunal dated 28.3.2011. The respondent here was aggrieved by the proceedings of the Peer Committee dated 2.3.2009, wherein the respondent herein was assessed as not yet fit for promotion from the Scientist Grade IV (5) to Scientist Grade IV (6), Scientist 'G' for the assessment years 2003-04, 2004-05, 2005-06 and 2006-07. Against the proceedings of the Peer Committee dated 2.3.2009 the respondent herein filed an OA, which was allowed. The concluding portion of the order dated 28.3.2011 passed in O.A. reads as under:

“8. In the light of this the OA succeeds and the assessment made by the Peer Committee in regard to the Applicant for the years from 2003-04 to 2006-07 an (sic. 'on') 02.03.2009 is quashed and set

aside, with the directions to the Respondents to re-assess the Applicant for promotion to Scientist IV(6), in accordance with the un-amended rules of 2001. These directions would be complied with within two months of the receipt of a certified copy of this order. There will be no orders as to costs.”

2. At the outset, Mr.Kalra, counsel for the petitioner submits that petitioners are *primarily* aggrieved with the directions issued to the petitioners to re-assess the respondent in accordance with the un-amended rules of 2001.
3. Counsel for the respondent on instructions submits that the real bone of contention is not the unamended rules, but the manner in which the entire assessment was carried out with respect to the years from 2003-04 to 2006-07. Counsel also contends that in all fairness the respondent would not oppose the petition in case a fair re-assessment with respect to the petitioner’s work reports is carried out. Counsel for the respondent also submits that her main grievance has throughout been that the entire material was either not placed before the Committee or the Committee did not apply its mind or did not take into account her work material submitted. Having regard to the fair stand taken by counsel for both the parties, we dispose of the present writ petition with a direction to the petitioners to carry out re-assessment of the respondent’s assessment for the years from 2003-04 to 2006-07. The re-assessment will be carried out on the basis of the entire material supplied by the respondent. The material will be placed before the Peer Committee. The Peer Committee shall examine the entire material and while making the re-assessment the Committee will take into account the material placed before them. The re-assessment shall be carried out positively within a period of two months from today.
4. With above directions the present writ petition stands disposed of.

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5. In view of the order passed in WP(C)No.4047/2011 the present application stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 15, 2015

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