

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15656 OF 2009

DATED 25TH JANUARY, 2016.

BETWEEN

M.Madam Babu

...Petitioner

And

Centre for Cultural Resources and Training,
Rep. by Director General, New Delhi and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15656 OF 2009

ORDER::

This Writ Petition is filed complaining inaction on the part of the fourth respondent in not forwarding the Annual Confidential Reports of the petitioner to Respondents 1 and 2 from 2005 onwards. In view of not forwarding the annual confidential reports, the case of the petitioner for promotion was not considered. The petitioner also made the third respondent- Deputy Director, Centre for Cultural Resources and Training,

Regional Centre, Ministry of Culture, Hyderabad, in his personal capacity as party respondent No.4 to the Writ Petition.

Though the Writ Petition is of the year 2009, no counter affidavit is filed by the third and fourth respondents.

However, On 15.09.2009, the second respondent filed counter affidavit categorically stating that the fourth respondent did not send the Annual Confidential Reports of the petitioner to Respondents 1 and 2 and it is only after receiving the Annual Confidential Reports of every year from fourth respondent, the case of the petitioner would be considered for promotion. It is also further stated in the counter affidavit that despite the repeated reminders from the office of the first respondent, the fourth respondent has not forwarded the Annual Confidential Reports and in those circumstances the first respondent even proposed to initiate disciplinary action against the fourth respondent for his deliberate and wanton negligence coupled with carelessness in discharging the duties.

This Court by way of interim order dated 18.8.2009 directed the third respondent to forward the petitioner's Annual Confidential Reports forthwith. It was further observed in the said order that if there are any objections for forwarding the Annual Confidential Reports, the same shall be communicated to the petitioner within one week from the date of receipt of the said order.

Today when the matter is taken up for hearing, the learned

Counsel for the petitioner is unable to state as to whether the third respondent had complied with the order of this Court dated 18.8.2009.

Inasmuch as the second respondent has categorically stated in his counter affidavit that the fourth respondent had failed to forward the petitioner's Annual Confidential Reports to respondents 1 and 2, which resulted the petitioner to approach this Court, this Writ Petition is allowed making the order dated 18.8.2009 as final order in the Writ Petition. Further, as there is negligence on the part of the fourth respondent in forwarding the petitioner's Annual Confidential Reports and the fourth respondent is made as party respondent in his personal capacity, he (fourth respondent) shall pay costs of Rs.2000/- to the petitioner within eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

Dated 25th January, 2016.
Msnr_x