

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5149 of 2012

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Shri Ravindra Kumar Singh Son of Shri Triveni Singh, Resident of Ashiana
Nagar, Police Station-Rajeev Nagar, District-Patna

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi
2. The Secretary, Ministry of Home Affairs, Government of India, New Delhi
3. The Deputy Secretary, Personnel, Ministry of Home Affairs, Government of India, Police Division II, North Block, New Delhi
4. The Secretary, Union Public Service Commission, Dholpur House, Shahajhan Road, New Delhi
5. The Director General, Central Industrial Security Force, 13 CGO Complexes, Lodhi Road, New Delhi
6. The Inspector General, Central Industrial Security Force, Patna
7. The Secretary, Department of Personnel and Training, Government of India, New Delhi
8. The Deputy Inspector General, Personnel, Central Industrial Security Force, Ministry of Home Affairs, Government of India, New Delhi
9. The Union Public Service Commission Dholpur House Sah Jahan Road, New Delhi through its Chairman
10. The Chairman, the Union Public Service Commission Dholpur House Sah Jahan Road, New Delhi
11. Shri S.A. Naeem, then Commandant, CISF, at BCCL Dhanbad In 2003-04 As Reporting Authority in the ACR, Now DIGS, CISF, Bhilai
12. Shri H V Caturvedi, then DIG, CISF, BCCL, Dhanbad in 2003-04 as Reviewing Authority In The ACR New IG HQR. CISF, New Delhi
13. Shri A R Kini, IPS, THEN IG, CISF, ES, Patna as Accepting Authority In ACR 2003-04
14. Shri Anil Bali, Group Commandant, CISF, Group HQs., Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dayan Shanker Prasad, Advocate
Ms. Sugandha Prasad, Advocate
For the Respondents UOI : Mr. Awadesh Kumar Pandey, SCGC
Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-09-2017

As prayed, learned counsel for the petitioner is permitted to
implead Shri Anil Bali, Group Commandant, CISF, Group HQs., Patna, as



respondent no. 14 in course of the day.

2. The present writ petition has been filed for a direction to the respondent authorities to make total compliance of the order dated 29.10.2010 passed in CWJC No. 15644 of 2010 regarding upgradation of the ACR grading for the year 2003-04 to "Very Good" instead of "Good"; to restore the seniority of the petitioner with effect from 31.03.2009, the date, the juniors were promoted, with all consequential benefits in the light of judgment and order dated 23.11.2009 and 14.05.2010 passed in CWJC No. 14633 of 2009 and CWJC No. 7617 of 2010; to promote the petitioner not from the date of notification dated 28.06.2011 on the post of Commandant rather his promotion be given effect to with effect from 31.03.2009, without any hostility posture; and for quashing part of the office memorandum of MHA No. E-31016/13/2009/Pers.II/CISF dated 21.01.2011 whereby and whereunder the prayer of the petitioner for upgradation of ACR 2003-04 from "Good" to "Very Good" has been refused contrary to the service records of the petitioners and as consequence "Very Good" may be awarded to the petitioner for the period of 2003-04 in the facts and circumstances of the case.

3. Learned counsel for the respondents at the outset itself invites attention to the supplementary counter affidavit filed on behalf of the respondent no. 14, in para 5 whereof it has been stated that the Ministry of Home Affairs vide their ID No. 45012/29/2015/Pers. I dated 16.08.2017 has accorded approval to update the overall grading from "Good" to "Very Good" in the ACR/APAR for the year 2003-04 (period from 01.04.2003 to 31.03.2004) in respect of the petitioner. It is therefore, submitted that the grievance of the petitioner in this regard has already been redressed and further course of action with regard to restoring the seniority of the petitioner with effect from 31.03.2009, being the date when the juniors were promoted, shall be taken up with the Ministry of Home Affairs by the Personnel Department.

4. It would appear from the above that while the petitioner's grievance has partly been redressed as above, the issue relating to restoration of seniority with effect from 31.03.2009 as claimed by the petitioner is still pending final decision.



5. In the above view of the matter, the present writ petition stands disposed of with a direction to the Secretary, Department of Personnel and Training, Government of India, New Delhi (respondent no. 7) to take a final decision on the said pending issue in accordance with law expeditiously and in any event within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that if for any reason the claim of the petitioner is not acceded to, a speaking order shall be passed affording reasons for refusal.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.09.2017
Transmission Date	N.A.

