

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8052 OF 2019

Sharad S. Pente

.. Petitioner

vs.

Union of India & Anr.

.. Respondents

Dr. Uday Warunjikar, amicus curiae.

Mr. Sharad S. Pente, Petitioner-in-person.

Mr. Neel Helekar i/b. Mr. Ashutosh R. Gole, for the respondents.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

Date :- July 12, 2021.

PC :

1. Heard Mr. Warunjikar, learned Amicus Curiae, Mr. Sharad S. Pente, Petitioner-in-person and Mr. Helekar, learned Counsel for the respondents.

2. Challenge in this petition is to an order dated October 16, 2018 passed by the Central Administrative Tribunal whereby the petitioner's Original Application no. 27 of 2015 came to be allowed in view of the respondents contending that the adverse remarks against the petitioner from 2007 onwards, have been expunged and are to be read as "nothing adverse noticed". The tribunal hence observed that in such circumstances, nothing remained for adjudication in the original

application, and it would be required to be allowed given that reliefs have already been granted by the respondents to the petitioner even before the date of filing the original application.

3. It would be appropriate to note the impugned order passed by the Central Administrative Tribunal which reads thus:-

“ Shri.S.S.Pente, the applicant appeared in person. Shri.V.B.Joshi alongwith Shri.Masurkar, learned Counsel for the Respondents.

2. Heard the applicant, who appeared in person at length. He has sought the following reliefs in this OA which was filed on 31.12.2015:

“a) This Hon’ble Tribunal may graciously be pleased to call for the records of the case say/note/reply/remark in enquiry – if any) from the Respondents and after examining the same direct the Respondents to pass orders for change of all integrity remarks in ACRs by respondent no.5 to last integrity remark by respondent no.4.

b) Cost of the Application be provided for.

c) Any other and further order as this Hon’ble Tribunal deems fit in the nature and circumstances of the case be passed.”

3. Learned Counsel for respondents refers to their exhibit R-2 which reads as follows:

“With respect to the remark in the integrity column in Annual Performance Appraisal Report (APAR) for the periods 1-2-2007 to 31-1-2008 and 1-7-2010 to 30-6-2013 can be read as “Nothing adverse noticed”. This has been issued with the approval of the competent authority.”

4. The applicant referred to his Annexure A-6 in which his integrity has been assessed by his assessor/superior officer for the period 01.08.2006 to 31.01.2007, 01.02.2007 to

31.01.2008, 01.02.2008 to 31.01.2009, 01.02.2009 to 30.06.2009, 01.07.2009 to 30.06.2010, 01.07.2010 to 30.06.2011 and 01.07.2011 to 30.06.2012. Respondents have also advised him even prior to filing this OA on 22.12.2014 that the remarks from 2007 onwards have been expunged and are to be read as “nothing adverse noticed”. This leaves only the period from 01.08.2006 to 31.01.2007. Learned counsel for the respondents was inquired as to whether their opinion had in any way diverged from the nature of orders in relation to this remark and he has said that he has no specific instructions and will leave it to the discretion of the Court. Considering the nature of the remarks by which the later orders of amendment was made, this would evidently also apply to that part period.

5. In the circumstances, nothing remains in this OA and it is accordingly allowed given that reliefs have already been granted by the Respondents even before the date of filing the OA.

6. No costs.”

4. We are, in fact, surprised as to why this writ petition has been filed by the petitioner. From a reading of the impugned order, it is quite clear that there is hardly anything for the petitioner to be aggrieved. Moreover, the tribunal has found that there was no adverse remarks against the petitioner and hence, there was no reason for the petitioner to be aggrieved by the order. We accordingly, find no merit in the petition. It is accordingly disposed of confirming the order of the tribunal. No costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)