

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.27943 OF 2014

A.Balachandran

... Petitioner

Vs.

1. The Chairman & Managing Director,
Oil & Natural Gas Corporation Ltd.,
New Delhi - 110 001.
 2. The Chairman,
National Commission for Scheduled Castes,
Vth Floor,, Loknayak Bhawan,
Khan Market, New Delhi.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to review petitioner's ACRS in respect of 2002-03 to 2005-06 and give backdated promotion along with the employees considered for the promotion to the post DGM in the year of 2003.

For Petitioner : Dr.R.Sampathkumar

For Respondents : Mr.G.Venkatesan
CGSC - R1 & R2

ORDER

This writ petition has been filed seeking a direction to the first respondent to review the petitioner's ACRS in respect of years 2002-03 to 2005-06 and consider his case for promotion to the post of DGM.

2. According to the petitioner, he was appointed in the first respondent Organization on 15.07.1981 in the post of Assistant Executive Engineer and during 1986 he was promoted to the post of Executive Engineer and then to the post of Superintendent Engineer [Electrical]. While so, he gave a complaint on 15.07.1993 against some employees who created problems in the work site and the said complaint was

subsequently closed at the instigation of the higher authorities. Hence, the petitioner submitted a petition before the National Commission for SC. Aggrieved over the same, the first respondent reduced the marks of the petitioner in the ACRs from 2003 - 2004 to 2005 - 2006 without any reason, which would cause serious impact for promotion to the post of DGM from the year 2002 - 2003. Hence, he made a representation dated 25.07.2014 to the respondents. Finding on the same, the petitioner has come up with this writ petition for the aforesaid relief.

3. Upon notice, the first respondent filed a detailed counter affidavit inter alia stating that the ACR was reviewed in accordance with Rules and Regulations; and as per the ONGC EPA Rules 1995, only 'C' and 'D' category PAR and any adverse remarks communicated to the individual are reviewed and the PARs of the petitioner for the assessment years 2003-04 to 2005-06 do not fall under the Review and Appeal category. It is further submitted that the petitioner was considered for promotion to DGM level with effect from 01.01.2003 onwards, but was not recommended till 2003.

4. However, today, when the matter was taken up for hearing, the learned counsel for the petitioner fairly submitted that the petitioner already retired from service on reaching the age of superannuation and hence, for getting notional benefits, his representation dated 25.07.2014 may be directed to be considered by the respondents on merits, for which, there is no serious objection on the side of the respondents.

5. Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner dated 25.07.2014, if not already considered, and pass appropriate orders, on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vrc

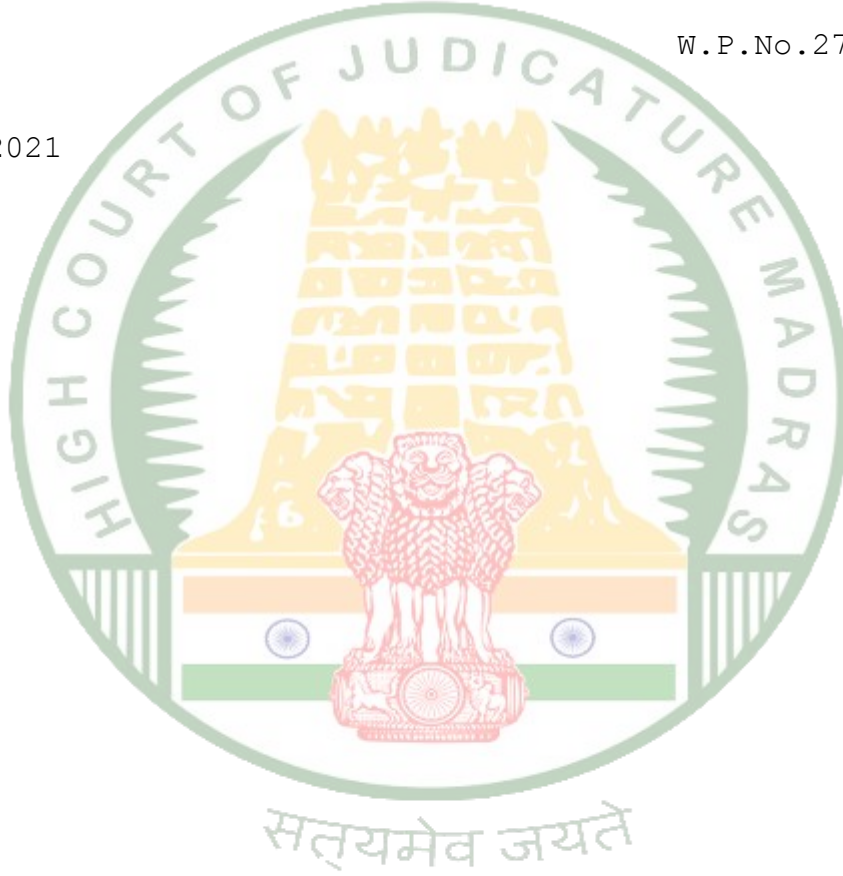
To

1. The Chairman & Managing Director,
Oil & Natural Gas Corporation Ltd.,
New Delhi - 110 001.
2. The Chairman,
National Commission for Scheduled Castes,
Vth Floor,, Loknayak Bhawan,
Khan Market, New Delhi.

+1cc to Dr.R.Sampathkumar, Advocate, S.R.No.5228

W.P.No.27943 of 2014

RLD(CO)
CS/23/06/2021



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