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

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Judgment delivered on: 16.11.2022

+ W.P.(C) 15744/2022

DR POONAM GAUR

..... Petitioner

versus

STATE COUNCIL OF EDUCATION RESEARCH
AND TRAINING THROUGH ITS DIRECTOR
& ORS.

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Ms. Esha Majumdar, Advocate.

For the Respondents: Mrs. Avnish Ahlawat, Standing Counsel, GNCTD
(Services) alongwith Mr. Nitesh Kumar Singh, Ms.
Laavanya Kaushik & Ms. Aliza Alam, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.48986/2022 (exemption).

1. Allowed subject to all just exceptions.

W.P.(C) 15744/2022 & CM APPL. 48985/2022

2. Issue notice.

3. Notice is accepted by learned counsel for the Respondents.

4. With the consent of the parties, the present petition is taken up
for final disposal today itself.

5. Petitioner had filed subject Original Application impugning order dated 11.08.2014, whereby, the representation of the petitioner seeking upgradation of the ACRs for the period 2003-2004 & 2004-2005 was rejected.

6. By the very first order dated 06.09.2017 (impugned herein), the Tribunal has noticed that the petitioner has relied upon certain medical certificates in support of her contention regarding physical infirmity, which impaired her performance and the certificate pertained to an accident which had occurred on 18.05.2004, and as such, only the ACR for the period 2004-2005 would be affected and the ACR for the period 2003-2004 would not be effected and as such directed that the Tribunal would not interfere in so far as grading of the ACR for the period 2003-2004 was concerned.

7. Learned counsel for the petitioner has drawn attention to the representation given by the petitioner for seeking upgradation of the ACRs for the period 2003-2004, which are on grounds different than the medical reasons and the accident sustained on 18.05.2004.

8. In that view of the matter, the Tribunal has clearly erred in directing that the Tribunal shall not consider the petition seeking upgradation of the ACR for the period, 2003-2004 as the medical documents would affect the year 2004-2005. There is no reason emanating from the order, as to why, said ACR has been excluded from the consideration on the ground of the medical certificate which is not the reason on which the ACR is sought to be upgraded.

9. We are of the view that the Tribunal has clearly erred in issuing only a limited notice to the respondent and accordingly, we modify the

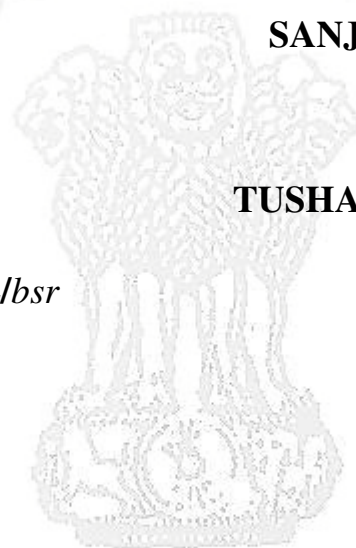
order dated 06.09.2017 and direct the Tribunal to consider all the prayers of the petitioner including the prayers seeking upgradation of the ACR for the period 2003-2004 on merit.

10. The petition is accordingly allowed, in above terms. It is clarified that this Court has neither considered nor commented upon the merits of the contention of the either party.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

NOVEMBER 16, 2022/bsr



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