



WEB COPY



W.P.No.14575 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.14575 of 2011

and

M.P.No.01 of 2011

Birbal Mahey

....Petitioner

Vs

1. The Director General
Central Industrial Security Force,
Block No.13, CGO Complex,
Lodi Road, New Delhi.
2. The Inspector General,
Central Industrial Security Force,
Southern Sector, Head Quarters,
Chennai Port Trust,
Chennai -1.
3. The Inspector General,
Central Industrial Security Force,
North Sector Head Quarters,
Saket, New Delhi.
4. The Deputy Inspector General,
Central Industrial Security Force,
Southern Sector Head Quarters,
Chennai.
5. The Deputy Commandant,
Central Industrial Security Force Unit,
Neyveli Lignite Corporation.
Neyveli.

....Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 4th respondent dated 30.07.2010 in his order No.E-15015/APAR-SOs/PA/SS/2010-217 and the order dated 27.12.2010 in his order No.E-15015/APAR-Sos/PA/2010-405 and quash the same and direct the respondents to promote the petitioner as Assistant Commandant with effect from December 2010 and pay all benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Dr.D.Simon
CGSC

ORDER

This Writ Petition has been filed to call for the records relating to the order passed by the 4th respondent dated 30.07.2010 in his order No.E-15015/APAR-SOs/PA/SS/2010-217 and the order dated 27.12.2010 in his order No.E-15015/APAR-Sos/PA/2010-405 and quash the same and direct the respondents to promote the petitioner as Assistant Commandant with effect from December 2010 and pay all benefits.

2. The case of the petitioner is that, petitioner joined as Sub-Inspector Executive in the Central Industrial Security Force on 30.06.1987. He served all over India and he was promoted as Inspector Executive with effect from 30.06.1997. Subsequently, he was transferred to SSP, Salem in



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the month of June 2008. The 5th respondent by his communication dated 28.05.2010 directed the petitioner to make a representation with respect to the entries and final grading given in the report for the period from 01.01.2004 to 31.05.2004 within 15 days. On 16.06.2010, petitioner made a representation requesting suitable grade during this period. However, petitioner's representation was rejected by an order dated 27.12.2010. On 31.05.2010, 4th respondent issued a notice inviting objections with respect to the entries made in the final grading for the period from 01.01.2009 to 31.05.2009 and 01.08.2009 to 31.12.2009. Petitioner submitted his representation on 14.06.2010. However, without considering petitioner's representation dated 14.06.2010 properly, that was rejected on 30.07.2010. Therefore, this Writ Petition is filed.

3. It is the further submission of the learned counsel for the petitioner that, petitioner's performance during this period was categorized as “Average” and this would affect the petitioner's promotional chances. Therefore, this Writ Petition is filed.

4. In response, the learned counsel for the respondent submitted that, petitioner had indulged in indisciplined activities while he was posted at



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CISF Units NFL Bhatinda and SSP Salem. Therefore, his performance was graded in ACR/APAR as “ Average” by his Seniors. The competent Authority vide order No.(217) dated 30.07.2010 directed the petitioner to take below bench mark grading in the correct perspective, benefit from the same and to make sincere efforts to improve upon the short comings/deficiencies. Therefore, petitioner's request cannot be considered.

5. Considered the rival submissions and perused the records. The main ground on which, this Writ Petition is filed is against the grade of petitioner's performance during the relevant period as “Average”. It is seen from the impugned order in E-15015/APAE-SOs/PA/SS/2010-217 dated 30.07.2010, communication of APAR entries/grading recorded was sent to the petitioner. Only thereafter, petitioner submitted his representation dated 14.06.2010 and that was rejected.

6. Unfortunately, petitioner had not produced communication with regard to APAR entries for perusal of this Court. It is not known, whether this grade had worked against the petitioner in denying him from further promotional opportunities. Both the learned counsel for the petitioner and the learned counsel for the respondents are not in a position to inform this



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Court whether petitioner was promoted to next category or he was denied promotion on account of this adverse entries. Normally, adverse entries made in APAR entries would not have serious impact on promotional venues. In the absence of the information with regard to whether petitioner was promoted or not, this Court is not able to pass any orders in favour of the petitioner. It is now informed that, petitioner had got retired from service on attaining the age superannuation.. In the said circumstances, this Court is of the view that, nothing survives in this petition.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

Index :Yes/No
Internet:Yes/No
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G.CHANDRASEKHARAN, J

Sma

To

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