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

+ **W.P.(C) 13003/2024**

KRISHNA PRATAP SINGH

.....Petitioner

Through: Mr. Manish Kumar, Ms. Gunjan
Sharma and Mr. Animesh Verma, Advocates.

versus

**SMALL INDUSTRIES DEVELOPMENT
BANK OF INDIA**

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.09.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking quashing of order dated 30.10.2023 whereby existing pay of the Petitioner has been revised and reduced from 99750 + 3300-SP + 3300-SI(I) + 3300-SI(II) + 3300-SI(III) to 89150 + 3300-SP + 3300-SI(I) + 3300-SI(II) + 3300-SI(III) + 3300-SI(IV) + 3850-PFA with effect from 01.07.2023 causing a loss of Rs.10,000/- per month in the basic pay of the Petitioner, without any notice or assigning any reason, either at the time of revising the salary or even after making representations to the Respondent. Petitioner is also aggrieved by the reduction in his rating to 3.5 out of 5 in the appraisal report for the Financial Year 2021-22 as well as reduction of Performance Management System ('PMS') Score from 4.19 to 3 for the panel year 2022-23. Petitioner also questions the Bell Curve method of assessment.



2. Learned counsel for the Petitioner submits that reduction in the PMS scores has impacted personal promotions of the Petitioner with consequential loss in basic pay per month. Detailed representations have been made to the Respondent bringing forth multiple reasons which would show that the reduction in the PMS scores is illegal in light of the judgment of the Supreme Court in *Dev Dutt v. Union of India and Others, (2008) 8 SCC 725* as well as pointing out infirmities in the bell curve method, but as the impugned order would reflect the comprehensive representations have been rejected by a sketchy order which does not reflect a single reason that weighed with the Competent Authority to come to a conclusion that representations of the Petitioner merited rejection and therefore, at this stage, Petitioner would be satisfied if the matter is remanded back to the Respondent to revisit its decision in light of the law settled by the Supreme Court on downgrading appraisal reports.

3. Having perused the impugned order rejecting the representations of the Petitioner, which are very comprehensive and detailed, this Court finds merit in the contention that the impugned order is unreasoned and non-speaking. This Court is unable to discern any reason that led to a conclusion that there is no merit in several contentions raised by the Petitioner with respect to reduction in his PMS score, more particularly, in light of the law laid down by the Supreme Court in *Dev Dutt (supra)*.

4. Therefore, this writ petition is disposed of directing the Respondent to decide the representations of the Petitioner afresh and additionally, treat this writ petition as a supplementary representation and take a decision thereon within a period of four weeks from the date of receipt of this order. In case the Respondent finds merit in the contentions of the Petitioner and the legal



issues flagged by him, consequential benefits shall be granted to him. In case, for any reasons, the decision is otherwise, a reasoned and speaking order shall be passed which will be communicated to the Petitioner within a week from the date of the decision and Petitioner will be at liberty to take recourse to legal remedies, if so advised.

JYOTI SINGH, J

SEPTEMBER 17, 2024

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