



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4487/2017

1. Union of India,
through Secretary,
Ministry of Defence (Production),
South Block, New Delhi 110 001.
2. The D.G.O.F./Chairman,
Ordinance Factory Board,
10-A, S.K. Bose Road,
Kolkata 700 001.
3. Union Public Service Commission,
through its Chairman,
Dholpur House, Shahjahan Road,
New Delhi 110 011.
4. Department of Personal and
Training, through its Secretary,
(A.C.C.), Lok Nayak Bhavan,
Khan Market, New Delhi 110 003.
5. Ordinance Factory,
through the General Manager,
Ambhajhari, Nagpur 440 021.
6. ~~Ordinance Factory,~~
~~Through Addl. General Manager,~~
~~Varangao City, Bhusawal,~~
~~Distt. Jalgaon.~~
7. ~~Ordinance Factory,~~
~~through Addl. General Manager,~~
~~Dehradun, Raipur, Distt. Dehradun.~~

8. ~~Ordinance Factory Bolangir,
Through Addl. General Manager,
P.O.Badmal, Distt. Bolangir 767 770.~~
9. ~~Ordinance Factory Ambernath,
Through Addl. General Manager,
Distt. Thane 421 502.~~
10. ~~Metal and Steel Factory,
Through its Addl. General Manager,
Ishapore, Distt. Paragana 743 114.~~ (Petitioner Nos.6 to 10
deleted & arrayed as
respondent Nos.2 to 6
vide order Dt.15.9.2023)
... Petitioners

- Versus -

1. Shri Prakash Singh,
Aged: 62 years, Ex-Additional General
Manager, R/o D-32, Ayudh Vihar,
Plot No.3, Sector 13, Dwarka, Phase-I,
New Delhi 110 078.
2. Munghate V.P.
Addl. General Manager,
Ordinance Factory,
Varangaon City, Bhusawal,
Distt. Jalgaon 425 308 (M.S).
3. Mahapatra K.
Addl. General Manager,
Ordinance Factory Dehradun,
Raipur, Distt. Dehradun 248 008
(Uttarakhand).

4. Rao D.V.
Addl. General Manager,
Ordinance Factory Bolangir,
P.O. Badmal,
Distt. Bolangir 767 770
(Orissa).
5. Wakhaloo Sanjai,
Addl. General Manager,
Ordinance Factory Ambernath,
Distt. Thane-421 502 (M.S.).
6. Gopi M.K.
Addl. General Manager,
Metal & Steel Factory, Ishapore,
Distt. 24 Paragana 743 114 (W.B.) ... Respondents

Ms. Mugdha R. Chandurkar, Advocate for the petitioners.
Mr. M.G. Burde, Advocate for the respondents.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATE OF CLOSING THE JUDGMENT: 18.3.2025.
DATE OF PRONOUNCING THE JUDGMENT: 24.3.2025.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Rule. Rule made returnable forthwith. Heard finally
with the consent of learned Advocates for the parties.

2. Being aggrieved by the order dated 28.12.2016
passed by the Central Administrative Tribunal, Mumbai Bench,

Mumbai (Camp at Nagpur) passed in Original Application No.2118/2012 whereby the O.A. was partly allowed and the matter was remanded back to petitioner No.1 herein by directing to re-convene DPC in/for compliance of the observations and orders passed in the said O.A. based on DPC recommendations and petitioner No.2 herein was directed to pass a reasoned order on behalf of petitioner No.1 herein.

3. The respondent-Shri Prakash Singh was appointed in Junior Time Scale of Indian Ordinance Factory Service w.e.f. 23.9.1985. The respondent was communicated the adverse remarks in the ACR of 1.4.2006 to 7.10.2006. Against the same, a representation was made by the respondent on 3.9.2007. After considering the representation, the adverse remarks were expunged from the ACR of 1.4.2006 to 7.10.2006 and was accordingly communicated to the respondent. The overall grading of the respondent for the ACR period from 1.4.2006 to 7.10.2006 was "Good". The benchmark for promotion to Senior

Administrative Grade was “Very Good”. Name of the respondent did not appear in the promotion list as the ACR grading was below the benchmark required for promotion. The respondent made representations on 26.3.2011 and 19.5.2011. The said representations were rejected being time barred as per DOP & T Guidelines. The respondent was not considered for promotion to Senior Administrative Grade during April 2012 as the grading of respondent was below the benchmark of “Very Good”. Being aggrieved by the said order by which the respondent was denied promotion, the respondent preferred O.A. before the Central Administrative Tribunal.

4. In the said O.A. the respondent has prayed to set aside the recommendations of the promotion order No.381/2067/A/G dated 3.11.2010 and promotion order No.381/3092/A/G dated 12.4.2012. As per DOP & T OM No.21011/12005-Estt (A) dated 6.1.2010 where the adverse remark is expunged the final grading is blocked and the relevant

DPC after considering each individual attribute in the ACR has assessed the respondent as “Good” for the year 2006-2007 and thus, the respondent was not considered for promotion to Senior Administrative Grade (SAG). After considering the contentions of both the parties the Tribunal has partly allowed the O.A. filed by the respondent directing the petitioners herein to reconvene the DPC in/for compliance of the observations and orders passed by the Tribunal. The Tribunal has also directed that based on the DPC recommendations petitioner No.2 shall pass a reasoned and speaking order on behalf of petitioner No.1 herein communicating the same to respondent and directed to complete the entire exercise within a period of 12 weeks. The petitioners herein have challenged the said order.

5. The respondent Shri Prakash Singh appeared and opposed the petition stating that the learned Tribunal has rightly considered his claim by passing a detailed reasoned order.

6. He has further submitted that during the pendency of said O.A., promotion was granted by the petitioners to the respondent and the respondent retired on 28.2.2015. The Tribunal has passed the judgment on 28.12.2016 after the retirement of the respondent Shri Prakash Singh. The respondent employee has denied the contents in the petition filed by the petitioners.

7. Heard the respective Advocates for the parties and perused the record.

8. On perusal of record it appears that the respondent's name was not included in the promotion list in 2010 and 2012. Upon making a representation he was informed that considering the ACR of 2006 and 2007 which was "Good" and requirement to consider the candidate for promotion is "Very Good" his name was not considered in promotion list.

9. It appears that the grading of “Good” is a result of some adverse entries and if these adverse entries or remarks were expunged then the result of grading would logically only be “higher than Good” and not “Good”. The respondents have the authority to expunge the adverse remarks. “Very Good” remarks for the remaining period were not considered by the petitioners herein and though the adverse entries of respondent Shri Prakash Singh were expunged, without considering this fact his claim to the promotion was not considered. It is brought to our notice by learned Advocate for the petitioners by filing the pursis dated 11.3.2025 that respondent Shri Prakash is promoted as A.G.M. on 30.12.2013 and stood retired on 28.2.2015. The respondent Shri Prakash Singh has informed the General Manager, Ordinance Factory, Nagpur vide letter dated 21.8.2019 that he is not interested in proceeding with the O.A. filed before the C.A.T. It appears that after his retirement the judgment was passed on 28.12.2016. Letter sent by the respondent Shri Prakash Singh is filed on record by the petitioners. It is evident from record that

the order was passed by the C.A.T. partly allowing the O.A. and remitting it to the petitioners directing reconvening of DPC in/for compliance of the observations and orders. As the respondent Shri Prakash Singh is already promoted and he stood retired even before passing the order by the C.A.T. there is no substance in the petition. Hence we pass the following order:-

The writ petition stands dismissed. Rule stands discharged.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)