

CORAM : HON'BLE MR. P. H. TRIVEDI .. VICE CHAIRMAN
HON'BLE MR. P. M. JOSHI .. JUDICIAL MEMBER.

29.09.1989.

Heard Mr. I.M.Kapoor and Mr. J.D.Ajmera the learned advocates for the petitioner and respondents. During the hearing, it was found that there are certain ~~pernicious~~ discriminate and inconsistenc~~e~~ at page 20. It has been stated that the petitioner was on special leave on 26th April, 14th May, 17th May and from 10th June and 21st June, 1985. But at the page 12 at Annexure 'A' in communication dt. July 29, 1986 in the memorandum communicating adverse remarks for 1985, it has been stated that special leave is not granted from April 24 to April 30, 1985, May 13 to May 21, 1985 and June, 3 to June 21, 1985. Therefore it is clear that the competent authority which should disposed of their representations against adverse remarks already made in this case, it's conclusion that the adverse remarks should stand~~s~~ and can be regarded as premature and incomplete. Further, if the adverse remarks are ~~extinguished~~ modified or retain, the position regarding the D.P.C. findings ~~mentioning~~ that the petitioner might not go considerable change. It is therefore proper in the circumstances of the case that the following directions are issued. The competent authority disposing of their representations against adverse remarks, in the light of the above discriminate and inconsistent~~e~~, take a view regarding the retent~~ions~~, modifications and expansion of the adverse remarks within a period of two months from the date of this order. Thereafter, the revise A.C.R. be

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 placed before the competent to decide about the promotion
 of the petitioner. Such promotion may be given from the
 date which are take in the light thereof. with a due

The learned advocate Mr. J.D. Ajmera for the
 respondent stated that the petitioner has been promoted
 in the following year 1987. A copy of the order, therefore
 produced and retained on the file. With the aforesaid
 observations and directions the case be disposed of.
 D.P.C. proceedings in the sealed cover may be return.

P. H. Trivedi

(P. H. Trivedi)
 Vice Chairman.

P. M. Joshi
 (P. M. Joshi)
 Judicial Member.

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