

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 32 OF 2013

RUKHSANA SHAHEEN KHAN

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. The sole issue involved in this appeal is whether the uncommunicated Annual Confidential Reports (ACRs), which are adverse to the appellant, should have been relied upon for the purpose of consideration of the appellant for promotion.

2. In view of the decision of this Court in Sukhdev Singh Vs. Union of India & Ors. reported in (2013) 9 SCC 566, there cannot be any dispute on this aspect. This Court has settled the law that uncommunicated and adverse ACRs cannot be relied upon in the process.

3. This appeal is, accordingly, allowed and the impugned Judgment is set aside with the following directions :-

(a) The competent authority is directed to ignore the uncommunicated adverse ACRs and take a fresh decision in accordance with law.

(b) The appellant shall be afforded an opportunity of hearing in the process.

4. It will be open to the appellant to make all available submissions, including the reference to the Judgment of this Court in Prabhu Dayal Khandelwal Vs. Chairman, U.P.S.C & Ors. reported in (2009) 16 SCC 146.

5. The above exercise shall be completed within a period of two months from today.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
August 28, 2018.