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**Department of Personnel & Training**  
**Estt.(A) Desk-I**

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Reference preceding note of Ministry of Corporate Affairs (ID in F No.C-31011/6/2010 Vig. 30.8.2012).

2. In this connection it is stated that the OM No.21011/1/2010-Estt. A dated 13.04.2010 clarifies that:-

"If an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPCs contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of relevant ACR for his representation, if any, within 15 days of such communication. The representation is to be decided by the competent authority as per provision in para 2 of this OM dated 13.04.2010."

3. Further as conveyed vide this Department's OM No.21011/1/2010-Estt.A dated 27.4.2010 Supreme Court has subsequently found apparent conflict between the judgment in Dev Dutt case and other judgments of the Court and has referred the matter in the SLP in respect of A.K. Goel case (SLP (Civil) 15770/2009) to a larger bench.

4. Accordingly, it is clarified that this O.M. dated 13.04.2010 does not provide for a second representation in the form of appeal/memorial.

JS(E) has seen.

(Prem Chand)

Under Secretary (Estt.A Desk II)

