

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 88/2024

Sri Apan Jamatia

----Petitioner(s)

Versus

The State of Tripura & 4 ors.

----Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Ms. A. Chakraborty, Advocate
For Respondent(s)	:	Mr. D. Sarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

27/08/2024

Heard Mr. Somik Deb, learned senior counsel assisted by Ms. A. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Additional GA appearing for the respondents-State.

2) By means of filing the instant writ petition, the petitioner has prayed for upgrading his ACR and to set-aside the ACR grading for the assessment year 2021-22.

3) In support of the prayers made by the petitioner, Mr. Deb, learned senior counsel has submitted that the benchmark for consideration of promotion to the next rank is 'Very Good' and 'Outstanding'. Mr. Deb, has submitted that the ACR of the petitioner for the year 2021-22 was recorded as 'Good' which has affected the future prospect of promotion of the petitioner to the next higher post. It is further submitted that for the last 4 consecutive years preceding to the assessment year 2021-22, the petitioner was graded as 'Outstanding' and 'Very Good'. During the period 2021-22, the petitioner was badly suffering from cancer disease, so, he had to visit different hospitals at different point of time. Mr. Deb, learned senior counsel, has drawn my attention to the reasons assigned by the Officer concerned while grading the petitioner as 'Good', which is reflected in paragraph 9 at page 99 of the writ petition. The said reasons read as under:

“He is not active in his work. He is just pulling on his life. He is not fit to continue any planning job. He may be a good human being, but offlate his work performance has deteriorated substantially. During his tenure under me, he could not do any work that is expected of an officer rank. He will just process the proposals received from units. There was no application of mind if putting up those proposals to the higher ups. I could not see any contribution from his side in anything. He may be good in filed [sic. field], but he is not suitable for administrative duties. He needs to improved his work performance.”

4) It is admitted position that the petitioner has been suffering from Cancer. Naturally, the work performance during the relevant period of assessment had to be deteriorated due to his health condition. In such a case, the remarks made by the Reporting Officer cannot be said to be unreasonable and brush aside.

5) I do not find any infirmity or arbitrariness in the remarks made by the Officer concerned. Further, it is equally true that the petitioner had performed very well and being satisfied, the petitioner was graded as ‘Outstanding’ and ‘Very Good’ for the last 4 consecutive years preceding to the assessment year 2021-22.

6) In this peculiar facts and circumstances, the respondents may re-consider the downgrading of the ACR for the period 2021-2022 keeping in mind the health condition of the petitioner subject to relevant rules in this regard. The entire exercise shall be completed within a period of a month from the date when the petitioner shall furnish a copy of this order to the competent authority. Whatever the decision, the respondents shall communicate it to the petitioner. Learned Additional GA shall also furnish a copy of this order to the competent authority.

7) With the aforesaid observation and directions, the instant writ petition stands disposed.

A copy of this order be supplied to learned Additional GA.

JUDGE