



Serial No. 01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 17 of 2025

Date of order: 03.11.2025

Joseph K Sabestian

....Appellant

- versus -

1. Union of India represented by the Secretary to the Government of India, Ministry of Home Affairs, North block, New Delhi-110001
2. The Director General Assam Rifles, Shillong, Meghalaya, Pin-793011
3. Col (Records)
Mahanideshalaya Assam Rifles,
Director General Assam Rifles, Shillong,
Meghalaya, PIN-793011
4. The Commandant,
40 Assam Rifles,
C/o-99 APO, PIN-932040

.....Respondents

Coram:

Hon'ble Mr. Justice Soumen Sen, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant : Mr M. Chanda, Adv. with
Mr M.L. Nongpiur, Adv.

For the Respondents : Dr N. Mozika, DSGI with
Ms K. Gurung, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |



JUDGMENT: (per the Hon’ble, the Chief Justice) (Oral)

Although this matter was fixed for hearing on 10.11.2025, it is listed today at the instance of the Court and the learned counsel of the parties have consented to the appeal being taking up today instead of 10.11.2025. Accordingly, the order passed earlier on 24.10.2025 stands recalled.

2. Mr M. Chanda, learned counsel appearing on behalf appellant has submitted that the ACR for the periods 2016-17, 2017-18, 2019 and 2020-2021 were not communicated to the writ petitioner and as a result thereof, the writ petitioner is unaware of the reasons for not giving him the promotion to which he is entitled to under the rules and the benefits of the 3rd MACP. However, it is submitted that after the impugned order was passed, the adverse entries for the aforesaid periods have been communicated to the writ petitioner.

3. In view thereof the grievance of the writ petitioner that he was not considered for promotion without communicating him, his adverse entries in the ACR appears to have been partly redressed.

4. In view of the aforesaid, the direction passed by the learned single judge giving liberty to the appellant to make a representation against the adverse entries for the aforesaid periods does not call for any interference. Mr Chanda, learned counsel has submitted that there are



recent judicial pronouncements which are in favour of the writ petitioner and in the representation, reference to such decisions would be made and it is expected that the respondent authorities in deciding the representation should consider the law laid down by the Hon'ble Supreme Court in various decisions.

5. It is needless to mention that the authority concerned is required to take a conscious decision on the representation after taking into consideration all relevant facts and rules and decide the matter within a period of four weeks from date of the submission of representation by a reasoned order after giving a reasonable opportunity of hearing to the writ petitioner. The reasoned order shall be communicated to the writ petitioner within a week thereafter.

6. We make it clear that we have not gone into the merits of the matter. We expect that the authorities concerned shall take a rational view in accordance with law.

7. The appeal stands disposed of.

(W. Diengdoh)
Judge

(Soumen Sen)
Chief Justice