



Serial No. 09
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 184 of 2024

Date of Decision: 04.12.2025

Kamal Limbu
Regt. No. C/5009731K WO (Clk),
S/o Krishna Bahadur Limbu
R/o H. No-76, Kimin Budh Bazar,
Kimin Complex Ex-Colony, Lakhimpur, Assam-787031
... Petitioner(s)

Versus

1. Union of India represented by
The Secretary to the Government of India,
Ministry of Home Affairs, New Delhi.
2. The Director General, Assam Rifles, HQ
DGAR, Laitkor, Shillong
3. The Col (Records) HQ, DGAR, Laitkor,
Shillong.
4. The Brigadier (Personnel) HQ, DGAR, Laitkor,
Shillong
... Respondent(s)

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. M.L. Nongpiur, Adv. with
Ms. A. KSOO, ADV.

For the Respondent(s) : Mr. R. Debnath, CGC



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

JUDGMENT AND ORDER (ORAL)

1. The writ petitioner by the instant petition is praying for grant of promotion to the rank of Naib Subedar (Clk.) with all consequential benefits including Seniority with retrospective effect from 01.06.2024 the date from which his juniors were promoted.

2. The factual matrix of the case is that on March, 2024, a DPC was convened by the respondents for promotion of Warrant Officer (Clerk) to the higher grade, i.e. Naib Subedar (Clerk) and to that effect a promotion order dated 28.03.2024 was issued whereby the petitioner was denied promotion and his immediate juniors were granted promotion w.e.f. 01.06.2024. Aggrieved, the petitioner submitted a representation dated 09.04.2024 and the same was responded by letter dated 16.05.2024, that the petitioner has been denied promotion due to lacking in ACR criteria for the year 2018-2019.

3. Mr. M.L. Nongpiur, learned counsel for the petitioner submits that during the pendency of the writ petition, the petitioner has



been promoted to Naib Subedar (Clerk) and the only grievance that remains is that the same should be made retrospective from 01.06.2024, the date of promotion of his immediate juniors. The non-communication of the entries in the ACR for the year 2018-2019 by the respondents he submits, has resulted in the deprivation of his rights.

4. Mr. R. Debnath, learned CGC for the respondents submits that in the DPC held in 2024, the petitioners last 5 ACRs/APARs for the years 2018-19 to 2022-23 were taken into account and the petitioner was graded average with 02 points i.e. 'Good' in the ACRs for the year 2018-19, whereas to be eligible for promotion he should have earned at least 'High Average' i.e. 03 points for that year.

5. This Court has heard the learned counsel for the parties and also perused the materials on record and it is seen that the assertion of the petitioner is correct, inasmuch as, for lacking ACR for the year 2018-19, he was not promoted and that further the said entries were never communicated. The instant case on detailed examination is squarely covered by earlier judgments of this Court, wherein directions had been issued in such cases where petitioners were not communicated with the entries contained for the relevant year.

6. In this view of the matter, this writ petition is disposed of with the following directions.



- i) The respondent authorities are directed to formally communicate the entries in the ACR for the period 2018-19, to enable the petitioner to make a representation within a period of 1(one) month after receipt of the same thereof.
 - ii) The representation so presented will thereafter be decided positively within a month thereafter, taking into account the relevant parameters for consideration of promotion.
7. It is further provided that should the entries be upgraded in consideration of the representation taking into account the petitioner's earlier track record, the respondent authorities shall constitute a review DPC for grant of the consequential reliefs, if any on the basis of the above. The entire exercise shall be completed within a period of 5(five) months from the date of receipt of the representation.
8. With the above directions, this writ petition is allowed to the extent indicated above and is accordingly disposed of.

JUDGE

Meghalaya
04.12.2025
"V. Lyndem-PS"