

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6356 of 2017**

- Marshal Tirkey S/o Late Philip Trikey, Aged About 59 Years R/o Bhawna Nagar, Khamhardih, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Planning, Economic And Statics Department, Mahanadi Bhawan, Mantralaya, New Raipur, P. S. Rakhi, District Raipur Chhattisgarh.
2. The Director, Chhattisgarh Planning, Economic And Statics Indravati Bhawan, Raipur Chhattisgarh.
3. The Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Raipur (Chhattisgarh)
4. The Collector (District Planning & Statics), Mahasamund District Mahasamund Chhattisgarh.

---- Respondent

For Petitioner	Mr. Gautam Khetrapal, Advocate
For Respondent/State	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

23/11/2017

1. Heard.
2. Learned counsel for the petitioner would submit that in the current year 2017, the respondent-Department of Planning, Economic and Statistics had considered the issue of promotion from the post of Statistical Officer to the post of Deputy Director, however, the petitioner could not be promoted for the

reason that out of the previous 5 years' ACR, the ACR of 2014 was carrying "Average" remark. On petitioner's representation, the "Average" remark has been upgraded to "Good" remark, however, the same happened after the promotion order was issued. Therefore, the respondent-Department should re-consider the issue of petitioner's promotion as on the date of DPC, because the only adverse ACR remark has now been wiped off from the petitioner's service book.

3. Considering the entire facts' situation of the case, the writ petition is disposed of with direction that in the event, the petitioner moves a representation seeking consideration of his case for promotion on the basis of up-gradation of his ACR of the year 2014, within a period of 04 weeks from today, the respondents shall consider and decide the petitioner's representation in accordance with law and pass a reasoned order, at the earliest, preferably within a period of 3 months from the date of submission of representation.
4. In the event, the petitioner's representation is favourably decided, the respondents shall convene the review DPC within next 3 months from the date of decision on the representation.

Sd/-

Judge

(Prashant Kumar Mishra)

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