

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.3156 of 2003**

- Y.K.Bole, Supdtg. Engineer (E& M), Regional Institute-V, CMPDIL, Bilaspur

---- Petitioner**Versus**

1. Coal India Limited Through Its Chairman-cum-Managing Director, 10, Netaji Subhash Road, Kolkata- 700 001
2. Bharat Coking Coal Limited, Through Its Chairman-cum-Managing Director, Koyala Bhawan, Koyala Nagar, Dhanbad, Jharkhand
3. Central Mine Planning & Design Institute Ltd., Through Its Chairman-cum-Managing Director, Gondwana Place, Kanke Road, Ranchi, Jharkhand
4. Utpal Chakrabarty, Supdtg. Engineer (E& M), CMPDIL Hqrs, Gondwana Place, Kanke Road, Ranchi, Jharkhand

--- Respondents

For Petitioner :	Shri Gary Mukhopadhyay, Advocate
For Respondents No.1 & 2:	Shri Sudeep Agrawal, Advocate
For Respondent No.3:	Shri Vaibhav Shukla

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****15/05/2018**

Heard.

2. The only point, which requires consideration in this petition, is as to whether a case for promotion of the petitioner is required to be reconsidered by holding review DPC in view of the improvement of his ACRs vide order dated 03-04-1991 (Annexure P/9).

3. The petitioner's grievance ventilated through this petition is that the petitioner was not promoted to the next higher post of E-3 Grade until 1991 whereas in the meantime, other employees including some of the juniors to the

petitioner, were promoted in the year 1986 onwards.

4. The return of the respondents would show that the petitioner's ACR for the year 1985-86 as recorded by the Bharat Coking Coal Limited communicated vide letter dated 22-11-1986, was "Adequate".

5. The petitioner has placed on record a copy of order dated 03-04-1991, which shows that the ACR, which was earlier recorded in the year 1985-86 as "Adequate", due to which, he was not be considered not fit for promotion to E-3 Grade, has now been improved and it is now recorded as "Good". Therefore, in these circumstances, the petitioner's case for promotion would require re-consideration by holding review DPC on the basis of ACRs, which has now been improved as "Good" in place of "Adequate".

6. Accordingly, the petition is partly allowed with a direction to the respondents to examine the case of the petitioner and hold review DPC to consider the petitioner's case for promotion to the E-3 Grade, as on 12-06-1987 and take a decision in the case of the petitioner. In case, the petitioner is found fit with the new revised entry in the ACR, he would be entitled to consequential benefits of pay and seniority both.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E