

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7431 of 2010**

Uma Shankar Mishra, S/o Shri G.S. Mishra, aged about 54 years, working as Law Officer at State Human Rights Commissioner, Raipur, R/o. E-2, E.A.C. Colony, Raipur (C.G.)

---- Petitioner**Versus**

1. High Court of Chhattisgarh, through its Registrar General, Bilaspur (C.G.)
2. State of Chhattisgarh, through its Secretary, Department of Law and Legislative Affairs, D.K.S. Bhawan, Raipur (C.G.)

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate.
For Respondent/State	:	Shri R.S. Baghel, Deputy Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Order on Board****28/02/2019**

1. Heard counsel for the parties.
2. Writ application filed by the Petitioner seeking a direction upon the Respondent-High Court to grant him promotion to the post of Chief Judicial Magistrate in the year 2002 and Additional District Judge in the year 2005. According to him, the adverse remarks made in the ACR was not communicated to him later so which he could not assail the same and in the meantime, the promotions were granted to his juniors superseding him.
3. There are two aspects to the matter. One that the so-called juniors who had been granted promotion were not impleaded as party Respondents despite indulgence given to the petitioner in the writ application. Therefore, the writ application suffers from non-joinder of necessary party. In addition to that, the Court also notices that not only the service record of the Petitioner reflects that his work performance was poor but there were eight complaints pending against him

including departmental inquiry at the relevant time. The record speaks for itself as to why the Petitioner had to be superseded. The argument that the adverse ACR was not communicated to him in time may not hold the field in the totality of the circumstances and material existing at the relevant time.

4. The Petitioner even otherwise has now superannuated from the post of Additional District Judge. Obviously that supersession order seems to have sent the right message to him. He must have done course correction because of which he earned his promotion subsequently. The Court wishes him well for his retired life.

5. The writ is otherwise dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE