

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5048 of 2019**

Vijay Kumar Kosta S/o Late Shri H. L. Kosta Aged About 46 Years R/o G - 1 /12, G A D Colony, Kachna, Shankar Nagar, Raipur, Police Staion Khamardeeh, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, General Administration Department, Mahanadi Bhavan, Police Station And Post Rakhi, Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary, State Election Commission, Office Of C.G. State Election Commission, D K S Bhawan, Near Old Mantralaya, Raipur, Police Station Gol Bazar, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Secretary, Public Service Commission (P. S. C.) Shankar Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Mehnu Prajapati, Staff Officer, State Election Commission, Ghahi Chowk, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/07/2019**

1. The present writ petition has been filed seeking for a direction to the respondents to consider the representation that the petitioner has made so far as the upgradation of the gradings that has been awarded to the petitioner in the ACR's for the year 2016 & for the year 2017.

2. The contention of the petitioner is that the petitioner has all the requisite eligibility criteria for promotion to the post of Staff Officer from the feeder post of Private Secretary. According to the petitioner a DPC was convened and respondent No. 4 who is junior to the petitioner has been found suitable for promotion ignoring the claim of the petitioner. According to the petitioner he was not found suitable for promotion on account of gradings that were awarded in the ACR for the year 2016 and for the year 2017. In both these ACR's the gradings given to the petitioner is "Good" i.e. "C".
3. According to the petitioner the ACR's for these aforesaid years have not been communicated to the petitioner and petitioner as such never had an occasion of moving representation to the authorities for upgradation of the same. He further submits that even in the ACR for the year 2015, no grading has been given to the petitioner which again has become detrimental to the promotional prospects of the petitioner. According to the petitioner, if department would have timely supplied the ACR's to the petitioner as is required by them in the light of the judgment of the Supreme Court in the case of **Dev Dutt V. Union of India and others reported in (2008) 8 SCC 725**, the petitioner would have got a chance of representing and getting the gradings upgraded.
4. Counsel for the petitioner prays that respondent may be directed to consider the representation that the petitioner has made so far as the upgrading of the gradings that has been awarded to the petitioner for the year 2015, 2016 & for the year 2017. The representation made by the petitioner is Annexure (P-3) & Annexure (P-4) dated 11.01.2019 & 25.01.2019 respectively.

5. Given the aforesaid factual matrix of the case, this Court is of the opinion, let respondent No. 2 take an appropriate decision on the representation of the petitioner seeking upgradation of his gradings in the ACR's for the year 2015,2016 & for the year 2017. Thereafter, the authorities would be required to consider the case of the petitioner in the light of the judgment of the Supreme Court rendered in the case of **Dev Dutt (Supra)**. In case, if the petitioner's gradings stands upgraded, the authorities concerned would hold a review DPC and consider whether the petitioner would be entitled for promotion or not on the post of Staff Officer in the light of the upgraded gradings in his ACR.
6. Let respondent No. 2 take an appropriate decision within a period of 4 months from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise the respondent No. 2 so far as the order passed by this Court is concerned.
7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge