

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 790 of 2018**

{Arising out of order dated 18.09.2018 passed by learned Single Judge in Writ Petition (S) No. 6103 of 2018}

- D.K. Agrawal, S/o Late Shri N.L. Agrawal, aged about 60 years, presently Posted as Project Director (ADB-Project, PWD), Sirpur Bhawan, Civil Lines, Raipur (Chhattisgarh)

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Public Service Commission, Through its Secretary, Saheed Bhagat Singh Chowk, Shankar Nagar, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Anup Majumdar, Advocate.
For Respondent/State	:	Smt. Astha Shukla, Panel Lawyer.
For Respondent No.2/PSC:	:	Shri Anumesh Shrivastava, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Judgment on Board****Per Ajay Kumar Tripathi, Chief Justice****09.01.2019**

1. Heard counsel for the Appellant, Panel Lawyer for the State and counsel for the Respondent No.2/PSC.
2. The primary issue raised before the learned Single Judge by the present Appellant who was the writ petitioner was a prayer to expunge the so-called adverse ACR entry recorded in the year 1989 which prayer has been negated by the learned Single Judge vide order dated 18.09.2018 which is subject matter of challenge before this Court.

3. There are obvious reasons as to why the learned Single Judge was not enthused enough to quash an ACR after 29 years of challenge merely on the plea that the same was neither communicated or was within his knowledge.
4. Besides the submission which has been made against the order of the learned Single Judge as to why it is important for expunging the above ACR, counsel for the Appellant apprehends that the 1989 adverse entry may be used against him now after more than 3 decades to take away benefits of promotions already granted to him.
5. Since those were not issues before the writ Court or that such decisions are apprehended decisions, we have nothing to observe or comment on the same at this stage.
6. However, since we do not feel that refusal to interfere with the so-called adverse ACR of the year 1989 in the year 2018, can be said to be an erroneous view to take, we are not inclined to interfere with the order impugned.
7. Appeal has no merit. It is dismissed. It goes without saying that if an occasion arises and the right of the Appellant is affected, he will surely have remedy in law.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge