

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 1098 of 2020**

- Harbax Singh S/o Late Sardar Nachhattar Singh Aged About 61 Years Presently Posted As Deputy Commissioner, Chhattisgarh Housing Board Circle, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Housing And Environment Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, District Raipur Chhattisgarh
2. Commissioner Chhattisgarh Housing Board, Head Office At Paryawas Bhawan, North Block, Sector - 19, Nawa Raipur, District Raipur Chhattisgarh
3. Administrative Officer Chhattisgarh Housing Board, Head Office At Paryawas Bhawan, North Block, Sector 19, Nawa Raipur, District Raipur Chhattisgarh
4. H.K.Verma, Additional Commissioner (Incharge) Chhattisgarh Housing Board, Head Office At Paryawas Bhawan, North Block, Sector 19, Nawa Raipur, District Raipur Chhattisgarh

**---- Respondents**


---

|                        |   |                                  |
|------------------------|---|----------------------------------|
| For Petitioner         | : | Ms. Naushina Afrin Ali, Advocate |
| For Respondents/ State | : | Shri Avinash Singh, P.L.         |

---

**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****19/02/2020**

Heard.

1. The grievance of the petitioner is that the petitioner was superseded by Respondent No. 4 and was not promoted on two occasions firstly on 25.09.2014 and secondly on 05.12.2017.
2. It is contended that the petitioner was not provided with the ACR report on the basis of which he was superseded in the year 2008-09. For the first time in the year 2018 the petitioner came to know about such adverse entry

when the information was obtained under RTI Act, therefore, the petitioner contends that the non communication of the ACR for the year 2008-09 was fatal and the petitioner was denied promotion. Subsequently, it is contended that thereafter from 03.07.2018 the petitioner had filed repeated representations and the last representation was filed was on 31.01.2020, however, the same is not been acceded to. It is further contended that the contention of the respondent is against the law laid down in *Dev Dutt and others Vs. Union of India and others 2008 (8) SCC 725*, *Sukhdev Singh Vs. Union of India and others 2013(9) SCC 566* and *Prabhu Dayal Singh Khandelwal Vs. Chairman UPSC and others 2015 (14) SCC 427* and this Hon'ble Court in *WPS No. 714 of 2016 Bharat Lal Banjare Vs. Union of India and others*. She further prays that Respondent No. 2 may be directed to decide the representation of the petitioner within a time frame.

3. Considering the prayer made and after perusal of the documents, at this stage the petitioner is given liberty to make a fresh detail representation to Respondent No. 2 within a period of 2 weeks from today. The petitioner shall also be at liberty to attach the copy of the order passed by this court and other judgment if so advised along with the representation. The representation if so filed, the same shall be decided within a period of 60 days from the date of receipt of the copy of this order in terms of the ratio laid down by the Court in the case quoted above.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri  
Judge

Jyoti