

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4525 OF 2020**

- Siddharth Anant S/o Late Sukhlal Anant Aged About 32 Years Working As Naib Tahsildar At Sheorinarayan, Block Nawagarh, District Janjgir-Champa (CG)

... Petitioner**versus**

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Collector Janjgir, District Janjgir-Champa, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. CJK Rao, Advocate.
For Respondents/State	:	Mr. Rahul Jha, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/11/2020**

1. Grievance of the Petitioner in the present Writ Petition is the inaction on the part of the Respondents in confirming the services of the Petitioner.
2. According to learned Counsel for Petitioner, the Petitioner has been working with the Respondents since July, 2016 and meanwhile all those persons who were appointed along with the Petitioner have been confirmed in service on 4.5.2020. However, when the Petitioner approached the department seeking information as to why he was not confirmed and left out, he was informed that his ACRs for the year 2016-17 has an adverse entries inasmuch as the gradings awarded were "D". It is then the Petitioner has moved a representation to the Respondents for reconsidering both the aspects, i.e., the ACRs and also the Gradings of the Petitioner for the year 2016-17 and also requesting for confirming him in service along with his immediate juniors.
3. Learned Counsel for Petitioner further submits that in none of the years till now that the Petitioner has been served with the ACRs in spite of their being a government circular which requires the ACR of every year to be communicated to each of the employee, in the light of the judgment passed by the Hon'ble Supreme Court in the Case **Dev Dutt Vs. Union of India**, reported in **2008 (8) SCC 725**.

4. Learned State Counsel however submits that since the Petitioner has already approached the authorities by way of a representation, let the present Writ Petition be disposed of directing the Respondents to consider the representation of the Petitioner on its merits, in accordance with the rules and guidelines governing the field.

5. Given the submission of the learned Counsels for the respective parties, the present Writ Petition at this juncture is being disposed of directing the Respondents to consider and decide the representation which the Petitioner has made. Petitioner in addition would also be entitled to move a fresh detailed representation in respect of his claim.

6. Meanwhile, the Respondents are also directed to ensure that ACRs of each year is provided to the Petitioner so that in the event if there are any adverse entries in those ACRs, he may have the liberty of making a suitable representation in respect of the same, which again is the requirement of law.

7. Upon such representation being made, the respondent authorities are expected to take a decision on its merits, at the earliest, preferably within a period of 90 days on its receipt.

8. While taking into consideration the same, the Respondents shall also take note of the fact that the juniors of the Petitioner have already been confirmed in service on 4.5.2020.

9. Writ Petition accordingly stands disposed of, with the aforesaid directions/observations.

Sd/-

(P. Sam Koshy)
JUDGE

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