

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3445 of 2021

1. Banshilal Dhurandhar S/o Late Shri Bhuneshwar Prasad Dhurandhar Aged About 61 Years R/o Shivaji Nagar, Daldal Seoni, Raipur, Police Station Mova, Tahsil And District Raipur Chhattisgarh
2. Ambrosh Toppo S/o Late Shri Junas Toppo Aged About 61 Years R/o Sadar Police Line Quarter, Raipur, Police Station City Kotwali, Tahsil And District Raipur Chhattisgarh
3. Triveni Prasad Dwivedi S/o Late Shri Rampratap Dwivedi Aged About 61 Years R/o Krishna Nagar, Street No. 4, Near Santosh Nagar, Raipur, Police Station Tikrapara, Tahsil And District Raipur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home /police, Mahanadi Bhawan, Mantralay, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. Director General Of Police (D G P) Police Headquarters (P H Q), Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh
3. Additional Director General Of Police (Administration) Police Headquarters (P H Q), Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh
4. Inspector General Of Police (I G P) Office Of Inspector General Of Police (I G P), Shankar Nagar, Raipur, District Raipur Chhattisgarh
5. Krishnapal Singh Sub Inspector, Office Of Superintendent Of Police, Balrampur, District Balrampur Chhattisgarh
6. Vimlesh Kumar Singh Sub Inspector, Office Of Superintendent Of Police, Surajpur, District Surajpur Chhattisgarh
7. Basant Mishra Sub Inspector, Office Of Inspector General Of Police (I G P), Shankar Nagar, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey with Ms. Laxmeen Kashyap, Advocates
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

09/07/2021

1. The grievance of the petitioner in the present writ petition is the non granting of the promotion to the petitioners and juniors to the petitioners have been considered and promoted vide order Annexure P-3 dated 05.06.2021.
2. According to the petitioner upon representing the matter before the higher authorities in the department, it has been informed that only on account of non availability of the ACR's the promotion orders of the petitioners could not be issued. According to the petitioners, the petitioners have approached the respondents by way of representations separately filed and collectively marked as Annexure P-4.
3. Given the facts, that the matter is raised by the petitioners by way of a representation and also considering the fact that petitioners have been informed that they have not been considered on account of non availability of the ACR's, the writ petition can be disposed of directing the respondent no.2 to 4 to take all necessary steps forthwith within a period of 60 days in ensuring the collection of ACR's of the petitioners and thereafter duly consider the same and appropriate orders as regards promotions be passed. No person can be denied consideration from promotion for no fault of the employee/officer. The preparation and handling of the ACR are always with the Employer. The records in this regard are also maintained by the Employer. Therefore if the ACR of an officer /employee is not

available then the employer is supposed to take steps ensuring the making of the said ACR available at the earliest

4. It is made clear that as and when, the petitioners cases are considered for promotion, the same shall be considered at par with other immediate juniors who have been promoted vide order dated 05.06.2021, unless petitioners are otherwise not entitled for promotion for any other reason which should also be duly intimated to the petitioners, if any.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit