

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4348 of 2021**

1. Shobhana Singh W/o Surendra Singh Aged About 46 Years R/o Quarter - 6/B, Street - 40, Sector - 10, Bhilai, District - Durg, Chhattisgarh - 490006.

---- Petitioner**Versus**

1. The Chairman, Chhattisgarh State Power Companies, Dangnia, Raipur, Chhattisgarh - 492013, District : Raipur, Chhattisgarh
2. The Managing Director, Chhattisgarh State Power Holding Company Limited, Dangnia, Raipur, Chhattisgarh - 492013, District : Raipur, Chhattisgarh
3. The Managing Director, Chhattisgarh State Power Distribution Company Limited, Dangnia, Raipur, Chhattisgarh - 492013, District : Raipur, Chhattisgarh
4. The General Manager (HR), Chhattisgarh State Power Distribution Company Limited, Dangnia, Raipur, Chhattisgarh - 492013, District : Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Shri Ashwin Panickar, Advocate
For State	:	Shri Neeraj Pradhan, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.08.2021**

1. The limited relief that the petitioner seeks in the present writ petition as of now is for an appropriate direction to the respondents No. 3 & 4 for providing the Appraisal report (Annual Confidential Report) of the petitioner, during the period she was on deputation with the respondents No. 3 & 4 for the period between 01.04.2018 to 31.12.2018.

2. Counsel for the petitioner submits that she has just been communicated of the gradings provided for the said period which has been reflected as Grade 'C' with Average. However, the copy of the ACR was not supplied to the petitioner on account of which the petitioner could not or is not able to represent before the Higher authorities for up-gradation of the same. Counsel for the petitioner submits that the petitioner has repeatedly been approaching the respondents for the same but on the ground of confidentiality, the same has been turned down.
3. At this juncture, it is necessary to refer to the judgment of the Hon'ble Supreme Court in the case of ***Dev Dutt v. Union of India and Ors. 2008 (8) SCC 725*** where the Hon'ble Supreme Court has made it mandatory for all the employers to ensure that the ACRs of every employee to be communicated even if there is no adverse entry. The said judgment has been followed by the State of Chhattisgarh as also there are guidelines and circulars issued by the authorities in this regard. Counsel for the petitioner submits that even the guidelines under the respondents require providing of the ACR to each of the employees.
4. Given the said facts and circumstances of the case, even otherwise after the judgment of the Hon'ble Supreme Court in the case of Dev Dutt (supra), it becomes a right of an employee to know the entries that has been made by the employer in the Appraisal Report and in the ACR. The purpose and object behind an employee to be informed about the entries made in the Appraisal Report is for the reason that, in case if any correction and improvement have to be done, the same can

be done. Only informing the grading of the employee without providing the Appraisal Report and the ACR, the petitioner or for that matter any employee would not be in a position to know as to the area in which the petitioner or the employee was found to be lacking in discharging of his duty, so that appropriate remedial steps can be taken for improvement in the subsequent years.

5. Given the aforesaid facts and circumstances of the case and also the legal position as it stands subsequent to the judgment of the Supreme Court in the case of Dev Dutt (supra) and all the subsequent decision upholding the view of the Hon'ble Supreme Court in the case of Dev Dutt, the present writ petition at this juncture can be disposed of directing the respondents No. 3 & 4 to ensure that Confidential Report of the petitioner for the period between 01.04.2018 to 30.12.2018 be provided to her at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
6. Needless to mention that subject to the petitioner being provided the Confidential Report, she would have the liberty to represent before the authorities concerned for necessary up-gradation of the grading so provided if she so wants.
7. Accordingly, the present writ petition stands disposed off.

Sd/-
P. Sam Koshy
Judge