

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4916 of 2020**

1. Amrit Lal Paikra S/o Mr. Umend Singh Paikara, Aged About 56 Years Present Resident Of District Puratatva Sangharhalaya Parisar, Sirhasar Chowk, Jagdalpur, District Bastar Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary/ Upper Secretary Department Of Culture, Mantralaya, New Raipur, District Raipur Chhattisgarh,
2. Directorate Culture And Archaeology, Raipur Chhattisgarh Through The Director Culture And Archaeology, Raipur Chhattisgarh.
3. Mr. Pratap Chand Parakh, Curator (Now Promoted To Deputy Director) At Mahant Ghasidas Smarak Sangrahalya, Raipur Chhattisgarh.

---- Respondents

For Petitioner : Shri Raza Ali, Advocate.

For State : Shri Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06.01.2021**

1. The grievance of the petitioner in the present writ petition is the order of promotion dated 26.10.2020 which also stood further amended on 28.10.2020 granting promotion to the respondent No. 3 on the post of Deputy Director.
2. According to the petitioner, he is senior to the respondent No. 3 and was eligible for the said post. However only on account of the non availability of ACR of the petitioner, he has been denied promotion and respondent No. 3 who is junior has been granted promotion.
3. On perusal of the pleading it appears that petitioner has not made any representation to the authorities concerned and has straight away filed the present writ petition. The petitioner should have by now made a representation which could have been suitably considered by the

authorities concerned and his case could have been looked into, subject to the availability of the ACR of the petitioner and the petitioner being found eligible for promotion.

4. Given the aforesaid facts, let the petitioner make a suitable representation within a period of 15 days to the respondent No. 1 who in turn shall duly consider the representation on its own merits in accordance with the Rules and Regulations governing the field. The authorities would consider the fact that the petitioner, according to him, has been deprived of promotion or consideration for promotion only on the ground of non availability of ACR that the petitioner is not in any manner at responsible for the non availability of ACR. This aspect may also be borne in mind by the respondent no. 1 while taking a decision. It is expected that the respondent No. 1 shall take a decision at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
5. With the aforesaid observation, writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**