

07-02-2024
ct no. 13
Sl. 13
sp

WPA 70 of 2024
Krishnendu Ghosh
-Versus-

Union of India & Ors.

Md. Baharuzzaman

...for the petitioner

Mr. Aryak Dutt,
Mr. Sujit Mitra

...for the UOI

Mr. Avishek Guha,
Ms. Akansha Chopra

...for the respondent nos. 2 to 6

1. The petitioner is aggrieved that his Annual Confidential Report (ACR) has not been supplied to him as a consequence whereof he could not participate in the departmental promotion for the year 2023-24.
2. An earlier writ petition being WPA 1375 of 2023 was filed by the petitioner in which on January 31, 2023, a Co-ordinate bench has called for a report. The writ petition was dismissed for default and the petitioner has applied for restoration thereof.

3. In that view of the matter, under normal circumstances, this writ petition ought not to be entertained.
4. This Court, however, notes that the LIC does not have any policy or rule for supplying the ACR with employee.
5. The law on the subject is well-settled that the final gradation in the ACR of an employee is required to be supplied to him. If there are negative report in an ACR based on which a negative finding is given by the employer in the ACR of the employee, he is entitled to make a representation thereagainst.
6. In the earlier writ petition, prior to being dismissed for default, the respondents filed a report as directed by the Court which contained all the ACRs of the petitioner. The report was supplied to the learned Advocate for the petitioner.
7. A further copy of the said report, has been graciously handed over by the learned counsel for the LIC to the petitioner in Court today.
8. In view of the above, this Court is of the view that the writ petition should be disposed of directing the LIC to reconsider

the service rules and make appropriate provisions in accordance with the applicable principles of service jurisprudence as regards ACRs of its employees, mentioned earlier.

9. With the aforesaid directions, the instant writ petition shall stand disposed of.
10. There shall be no order as to costs.
11. List CAN 1 of 2023 arising out of WPA 1375 of 2023 under the heading **‘To Be Mentioned’** tomorrow (08.02.2024)
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)