



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4685 OF 2024

Subhash Kisan Choudhari, P.O. Navegaon, Pandava, Tal. Nagbhir, Chandrapur

-VS-

Union of India, Thr. General Manager, South East Central Rly, CSTM, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri B. Lahiri, Advocate for petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : August 13, 2024

1. Heard Shri B. Lahiri, learned counsel appearing for the petitioner.
2. For the post of Goods Guard, feeding cadre is Senior Porter for whom certain quota by promotion is prescribed. The assessment is based on allocation of marks in written test and grading in Annual Performance Appraisal Report (APAR) for last three years which has to be aggregate 60% and above.
3. In view of assessment of APARs, it is urged by Shri Lahiri that the entries of Grades in APARs for the relevant three years for consideration of the promotional post of Goods Guard were never communicated to the petitioner. He would claim that unless there is an official communication about grading in APARs, one does not get an opportunity to question such APAR if it is adverse to his interest. He would further claim that had it been the case that the petitioner would have been communicated such APARs at appropriate stage, he would

have afforded an opportunity of representation for improvement of his grading and thereby would have made himself eligible and entitled for promotion.

4. As such Shri B. Lahiri, learned counsel would urge that the limitation of three years of questioning the adverse APARs will start running only from the date of communication of such APAR. In such an eventuality he would urge that the finding recorded by the Tribunal that the petitioner just because has superannuated loses his right, cannot be justified.

5. Issue notice to the respondents for final disposal of the writ petition, returnable on 08/10/2024.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)