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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2107 of 2021

1 - Ramesh Kumar Ogre S/o Late R.L.Ogre Aged About 31 Years R/o Behind Palas71, Rajkishore Nagar, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through -The Secretary, Panchayat And Rural Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Collector Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

3 - Chief Executive Officer, Zila Panchayat Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

4 - Chief Executive Officer Janpad Panchayat Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Sanjay Kumar Agrawal, Advocate.
For Respondent/ State	:	Shri Vedant Shadangi, P.L.
For Respondents No.3 & 4	:	Shri G.S. Patel, Advocate.



Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

08.08.2025

1. The petitioner has filed this petition challenging the order dated 12.02.2021 (Annexure P-1) whereby the services of the petitioner have been terminated from the post of Rojgar Sahayak.
2. Learned counsel for the petitioner would submit that the petitioner was appointed to the post of Rojgar Sahayak at Janpad Panchayat Sarangarh, District Raigarh vide order dated 4.12.2017 on a contractual basis. He would further submit that the services of the petitioner were extended from time to time. He would also submit that vide order dated 22.04.2020, respondent No. 3 declined to extend the further services of the petitioner, and thus, his services were discontinued. He would contend that the Annual Confidential Report (ACR) of the petitioner pertaining to 2019-20 was not found "Excellent" or "Very Good"; rather, grade "Good" was awarded to the petitioner, and it was the reason for the termination of services. He would further contend that the ACR of 2019-20 was never communicated to the petitioner, and therefore, the order dated 22.04.2020 is bad in law. In support thereof, he has placed reliance on the judgment passed by the Hon'ble Division Bench in the matter of ***Humendra Kumar Pawade vs. State of Chhattisgarh and others, W.A. No. 813 of 2018.***
3. On the other hand, learned counsels for the respondents would oppose. They would submit that the Annual Confidential Report (ACR) for the year 2019-20 of the petitioner was not found in consonance with Rule 15 of the Chhattisgarh Civil Services (Contract Appointment) Rules, 2012 (hereinafter referred as Rules, 2012), therefore, the



competent authority took a decision not to extend the services of the petitioner. They would further submit that the order impugned is neither stigmatic nor punitive in nature; therefore, the instant petition deserves to be dismissed.

4. I have heard learned counsel for the parties and perused the pleadings and the order impugned.
5. Perusal of the Annexure P/1 dated 12.02.2021 and the return filed by the respondents would reveal that the Annual Confidential Report (ACR) of 2019-2020 of the petitioner was not communicated, and the same was the foundation for the termination of services.
6. The Hon'ble Supreme Court in the matter of ***Dev Dutt v Union of India and Others, (2008) 8 SCC 725***, has held that the employer has to communicate the ACR of each and every year to its employees.
7. Further, Rule 15(3) of the Rules, 2012, provides that the confidential report of the employee, appointed on contract, shall be recorded so that his work may be assessed in case he is to be considered for appointment on contract basis for the next year and for such continuation, the ACR should be 'excellent' or 'very good', thus, the right has been given to the employees to approach the respondent authorities by making a representation for upgradation of adverse entries in the ACRs.
8. Referring to the decision rendered by the Supreme Court in ***Dev Dutt (supra)***, it is argued by the learned counsel appearing for the petitioner that the petitioner cannot be treated adversely without seeking his representation or explanation about the ACR, which was not communicated to him, therefore, the order of discontinuation of



employment is rendered in violation of the principles of natural justice.

9. This court is convinced that the order of discontinuation of contract appointment of the petitioner deserves to be quashed for the reason that the confidential report of the person, appointed on contract, shall be recorded so that his work may be assessed in case he is to be considered for appointment on contract basis for the next year and for such continuation, the ACR/PAR should be 'Excellent' or 'Very Good'. Once the Rule itself provides that the ACR or PAR would form the basis for according the benefit of extension of contract employment, it goes without saying that a contract employee has a right to represent against the ACR, which may work adversely to his interest if the same is not of the required standard. Even if a contract employee is not entitled to hold the post, if the Rules itself provide for consideration of ACR or PAR as a measure to assess the suitability, the law laid down by the Supreme Court in **Dev Dutt (supra)** would apply with full force for the reason that if an employee is entitled to any benefit out of the ACR or PAR, the same has to be communicated without which it cannot be considered against the employee.
10. It is also to bear in mind that the Supreme Court has settled in a number of cases that when an authority takes a decision which may have civil consequences and affects the rights of a person, the principles of natural justice would at once come into play. (See: **State of Maharashtra v Public Concern for Governance Trust and Others, (2007) 3 SCC 587**).
11. A contract employee or for that matter any public servant may not have the right of prior opportunity of hearing before writing of ACR, but once



it is considered for giving or for not giving any benefit, the same has to be communicated to the person before taking any decision qua the benefit which may be bestowed to the contract employee on the basis of such ACR.

12. Taking into consideration the above-discussed facts and the law laid down by the Hon'ble Supreme Court in the matter of **Dev Dutt (supra)**, the order Annexure P/1 dated 12.02.2021 is hereby **quashed**. Accordingly, the instant petition is hereby **allowed**.
13. The competent authority shall now provide the petitioner an opportunity to represent against the ACR/PAR, and based on the decision on the petitioner's representation, the competent authority shall consider the issue afresh concerning the continuation of contract employment on the post of Rojgar Sahayak.
14. It is made clear that there shall be no order as to the back wages.

Sd/-

(Rakesh Mohan Pandey)
Judge