



2026:CGHC:3719

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3843 of 2023**

Anand Kumar Lahre S/o Late T.R. Lahre, Aged About 55 Years R/o Balaji Villa, Near Adarsh School, Near Adarsh Nagar, Mowa, Raipur, District-Raipur, (C.G.).

... Petitioner.**versus**

1 - Chhattisgarh Rajya Sahkari Bank Maryadit Through Its Prabhari Managing Director, Head Office Sahakar Bhawan, Plot No.-74, Sector 24, Nava Raipur, Atal Nagar, Raipur, District Raipur (C.G.).

2 - Ajay Bhagat, S/o Late Lt Bhagat, Aged About 49, At Present Working As General Manger (Special Category), Chhattisgarh Rajya Sahkari Bank Maryadit, Head Office Sahkar Bhawan, Plot No.- 74, Sector 24, Nava Raipur, Atal Nagar, Raipur District- Raipur, (C.G.).

.. Respondents.

For Petitioner	:	Shri Shobhit Koshta, Advocate.
For Respondent No.1	:	Shri Jitendra Pali, Advocate.
For Respondent No.2	:	Ms. Shivangi Agrawal appears on behalf of Shri Anurag Singh, Advocates.

Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****21/01/2026**

1. By way of this Writ Petition, petitioner has sought following reliefs:-



10.1 That, the Hon'ble Court may kindly be pleased to issue appropriate writ and quash and set-aside the impugned orders dated 17/7/20 and 27/5/20 (Annexure P-3) in the interest of justice.

10.2 That, the Hon'ble Court may kindly be pleased to issue appropriate writ and direct the respondents to take a decision in respect of the petitioner representation as early as possible preferably within such outer limit as Hon'ble court may deem fit in light of facts and circumstances of the case.

10.3 This Hon'ble Court may kindly be pleased to call for the entire records for kind perusal of this Hon'ble Court.

10.4 Any other relief which this Hon'ble Court deem fit and proper may also kindly be granted to the petitioner in the interest of justice.

2. Necessary facts are that petitioner was initially appointed on the post of Sub-Engineer in the office of Madhya Pradesh Police Housing Corporation Limited in the erstwhile State of Madhya Pradesh vide order dated 10.01.1995. On 20.02.2014, petitioner was appointed to the post of Grade-1 Manager. As per seniority list on 31.03.2019, petitioner was the senior most and hence most suitable person eligible for promotion. In the year 2020, the respondent authorities conducted Department Promotion Committee for the purposes of promotion and petitioner was the senior most person eligible for promotion from Grade -1 Manager to General Manager (Special Category). However, to the surprise of the petitioner, he was not promoted and the Respondent



No.2 being in S. No.6 was granted the promotional post. Petitioner came to know that someone junior to him has been promoted and it was orally informed to the petitioner that he was not promoted as his Annual Confidential Report (ACR) was not satisfactory.

3. Counsel for the petitioner submits that the petitioner could not get promoted only because his ACR was not up to the mark as required for promotion of petitioner to the post of Assistant General Manager (Special Category), Chhattisgarh Rajya Sahkari Bank Maryadit. He further submits that the ACR was not communicated to the petitioner and such, he was not aware about the fact that he does not possess the requisite quality of ACR.
4. Learned counsel for Respondent No.1 submits that ACR of the petitioner was graded as "Good" and as such, it was not communicated to the petitioner. However, on the basis of said ACR, petitioner could not get promotion as it did not fulfill the eligibility criteria and the prescribed benchmark.
5. Learned counsel for Respondent No.2 submits that Respondent No.2 was promoted after following due process of law. She submits that the petitioner is illegally raising dispute which is not required to be considered by this Court since right accrued in favour of Respondent No.2.
6. I have heard learned counsel for the parties and perused the material available on record.
7. It is a well-settled principle of law that any adverse remarks recorded in the Annual Confidential Reports (ACRs) must be communicated to the concerned employee within the shortest possible period, as timely communication is an essential requirement of fairness and



transparency in service jurisprudence. The department is under a clear and mandatory obligation to convey such adverse findings to the employee, particularly when they are likely to affect his service prospects, including promotion or career advancement. The purpose of such communication is to afford the employee a reasonable opportunity to make a representation, seek rectification, or take corrective measures for improvement, failing which, the very object of maintaining ACRs would be defeated. Non-communication of adverse entries not only causes serious prejudice to the employee but also renders reliance on such uncommunicated remarks arbitrary and unsustainable in the eyes of law.

8. Further, the Hon'ble Supreme Court in many cases has held that the ACR whether it is good or it is defective is required to be communicated to the person concerned.
9. The Hon'ble Supreme Court in the matter of ***R.K. Jibanlata Devi vs. High Court of Manipur through its Registrar General and Others*** reported in ***(2023) 19 SCC 472***, has observed as under:-

"18. In the present case the petitioner got "Good" gradings for the year 2016-2017 and received "Very Good" gradings in her ACRs for the years 2017-2018 and 2018-2019. It was the specific case on behalf of the petitioner which has not been denied that the ACRs grading of "Good" for the year 2016-2017 was never communicated to the petitioner even till the DPC met Therefore, as per the law laid down by this Court in catena of decisions more



particularly, as observed and held by this Court in Rukhsana Shaheen Khan Sukhdev Singh and Dev Dutt v. Union of Indias uncommunicated adverse ACRs may be even with "Good" entry which can be said to be adverse in the context of eligibility for promotion is not to be relied upon for consideration of promotion. Therefore, uncommunicated ACR for the year 2016-2017 having the grading "Good" could not have been relied upon for consideration for promotion.

22. In view of the above and for the reasons stated above, the case of the petitioner for promotion to the post of Assistant Registrar as on 9-4-2021 is required to be considered afresh ignoring the uncommunicated ACRs for the years 2016-2017 and 2019-20 and her case is required to be considered afresh taking into consideration the ACRs for the years 2017-2018 and 2018-2019 for which the petitioner was having "Very Good" gradings."

10. In the present case, ACR of the petitioner which is indicated to be "Good" has not been communication to the petitioner and such, the petitioner was not aware about the said grading and since, the petitioner was not aware about the said grading, the petitioner could



not prefer any representation for reconsideration of his ACR which came to be the only reason, the petitioner was not considered for promotion and Respondent No.2 was granted promotion.

11. In view of the above discussion, Respondent No.1 is directed to reconvene the DPC and communicate the ACR to the petitioner and shall consider the case of the petitioner as well as of Respondent No.2 for suitability of promotion to the post of Assistant General Manager (Special Category) within a period of 60 days from the date of receipt of copy of this order.
12. With the aforesaid observation/direction, the Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)

Judge

Avinash