

WPS No. 4248 of 2019



CGHC010180722019



2026:CGHC:37891

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4248 of 2019

- Sohan Ram Bhagat S/o Bholaram Bhagat, Aged About 50 Years, (ST), Working As Driver, Office Sub Divisional Officer (Agriculture) Jashpur Nagar, District Jashpur, Chhattisgarh.

... Petitioner

versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
2. Sub Divisional Officer (Agriculture) Jashpur Nagar, District Jashpur Chhattisgarh.
3. Deputy Director (Agriculture) Jashpur Nagar, District Jashpur Chhattisgarh.
4. Joint Director (Agriculture) Surguja Division, Ambikapur, District Surguja Chhattisgarh.

... Respondents

For Petitioner	:- Mr. Vivek Kumar Agrawal, Advocate.
For State	:- Mr. Sharad Mishra, Panel Lawyer.

SB- Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

24.08.2026

1. This writ petition has been preferred against the order Annexures P/5, P/6 & P/7 by which petitioner's application for grant of

second time pay scale and third time pay scale have been rejected holding that he has secured Grade “C” in Annual Confidential Report (for short “ACR”) for years 2003-2004, 2004-2005 and 2005-2006.

2. Mr. Vivek Kumar Agrawal, learned counsel for the petitioner, would submit that the impugned order is liable to be set aside as in accordance with Rule 4 of the Chhattisgarh Public Services (Promotion) Rules, 2003 (for brevity “Rules, 2003”) the basis for promotion from Class IV to the higher pay scale has to be made on the basis of “seniority subject to fitness” and the same is also apparent from circular dated 18.11.1997 issued by the State of Madhya Pradesh and according to which the ACR of the preceding 5 years should be of Grading “C” which the petitioner has secured.
3. Mr. Sharad Mishra, learned State counsel, would oppose the prayer made by learned counsel for the petitioner and support the impugned order.
4. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records with utmost circumspection.
5. Since the basis for promotion as per Rule 4 of Rules, 2003 promotion from Class IV to higher pay scale should be “seniority subject to fitness” and as per Circular dated 18.11.1997, criteria prescribed for promotion that the person who is going to be

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promoted, his Grading should be “C” in ACR of last five years. In the present case, as per order dated 27.06.2017, petitioner has secured Grade “C” in ACRs of the years 2003-2004, 2004-2005 and 2005-2006, therefore, Annexures P/5, P/6 & P/7, liable to be and are hereby set aside. The matter is remitted to the concerned Joint Director (Agriculture) for passing fresh order in accordance with law after affording opportunity to the petitioner within 6 weeks from the date of receipt of copy of this order.

6. With the aforesaid observation / direction the instant writ petition stands disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit