



2026:CGHC:10601

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3869 of 2023

Tikeshwar Sahu S/o Bhojram Sahu Aged About 30 Years Presently
Posted As Field Man At Devvadavi Range Under Panabaras Project
Division Rajnandgoan District Rajnangoan (Now Mohla-Manpur-
Ambagarh Chowki) Chhattisgarh

... Petitioner

versus

- 1 - State of Chhattisgarh Through Its Secretary, Department of Forest,
Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh
- 2 - Chhattisgarh State Forest Development Corporation Ltd. Through Its
Managing Director, Block-7, Sector-24, Nawa Raipur Atal Nagar, District
Raipur Chhattisgarh
- 3 - Divisional Manager, Chhattisgarh State Forest Development
Corporation Ltd. Panabaras Project Division Rajnandgoan, District
Rajnandgoan (Now Mohla-Manpur-Ambagarh Chowki) Chhattisgarh
- 4 - District Forest Officer Mohla- Manpur- Ambagarh Chowki, District
Mohla-Manpur-Ambagarh Chowki Chhattisgarh
- 5 - Hemshankar Sahu Assistant Project Ranger Bar Nawapara Project
Division Raipur District Raipur Chhattisgarh
- 6 - Ramnarayan Chandra Assistant Project Ranger Industrial Plantation
Division Raigarh District Raigarh Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Zainab Vanak, Advocate on behalf of Mr. Mateen Siddiqui, Advocate
For Respondents No.1 & 4	:	Mr. Sangharsh Pandey, G.A.

For Respondents No.2 & 3 :	Mr. Ashutosh Singh Kachhawaha, Advocate
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Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

28.02.2026

- 1 In pursuance of the order dated 23.02.2026, Mr. Sudeep Verma, Divisional Manager, Panabaras Project Division, Rajnandgaon is present before this Court. He has filed an affidavit stating that though the ACR has been communicated to the petitioner, he does not have any document on record to demonstrate that the said ACR was duly acknowledged by the concerned petitioner.
- 2 The petitioner has filed this writ petition with the following prayers:-

"10.1 The Hon'ble Court may kindly be pleased to set aside/quash the impugned promotion order Dated 28.12.2022 (vis-à-vis private respondents) issued by the respondent Managing Director, Chhattisgarh State Forest Development Corporation Ltd (P/1).

10.2 The Hon'ble Court may kindly be pleased to direct the respondent State to consider the candidature of the petitioner for promotion on the post of Assistant Project Ranger from the post of Field Man wef 28.12.2022.

10.3 The Hon'ble Court may kindly be pleased to grant any other relief which this Hon'ble Court deems fit and proper in favour of the petitioner as per the facts &

circumstance of the present case, in the interest of justice.”

- 3 Learned counsel for the petitioner submits that the entire controversy in the present case revolves around the non-communication of the Annual Confidential Reports (ACRs) of the petitioner and the consequential denial of promotion to the post of Assistant Project Ranger pursuant to order dated 28.12.2022. It is contended that the petitioner, who stands at Sr. No. 13 in the gradation list dated 01.04.2022, has been superseded by his juniors, namely private respondent Nos. 5 and 6, who are placed at Sr. Nos. 14 and 16 respectively. The petitioner being senior and otherwise eligible was within the zone of consideration when the Departmental Promotion Committee (DPC) convened in December, 2022. It is submitted that the sole reason for denial of promotion to the petitioner is the allocation of only 10 marks in the DPC proceedings, as against the minimum benchmark of 12 marks required for promotion. A perusal of Annexure R-2/1, which is the copy of the minutes of the DPC meeting dated 27.12.2022, reveals that the petitioner's ACRs for the years 2020 and 2021 were shown as “incomplete.” Learned counsel argues that such incompleteness is wholly attributable to administrative inaction of the respondents and cannot be a ground to prejudice the petitioner's service prospects. The petitioner cannot be penalized for failure on the part of the reporting or reviewing authorities to complete his ACRs in time.

- 4 It is further contended that even assuming that the ACRs contained below-benchmark gradings or adverse remarks, the same were admittedly never communicated to the petitioner. There is no document on record to demonstrate that any such entries were served upon him or acknowledged by him. The law in this regard is no longer *res integra*. The Hon'ble Supreme Court in ***Dev Dutt v. Union of India, (2008) 8 SCC 725*** authoritatively held that every entry in the ACR of a public servant, whether poor, fair, good, very good or outstanding, must be communicated to enable the employee to make a representation. The Court observed that non-communication of entries affecting promotional prospects is arbitrary and violative of Article 14 of the Constitution of India. The principle laid down in ***Dev Dutt*** (supra) has been reiterated and affirmed by a larger Bench of the Hon'ble Supreme Court in ***Sukhdev Singh v. Union of India, (2013) 9 SCC 566*** wherein it was categorically held that non-communication of any entry in the ACR which may adversely impact an employee's promotion is impermissible in law. The Apex Court clarified that transparency and fairness in public administration mandate communication of all entries having civil consequences.
- 5 Learned counsel submits that in the present case, because of the non-communication of the alleged incomplete or below-benchmark ACRs for the years 2020 and 2021, the petitioner was deprived of his valuable right to submit a representation seeking

review, upgradation, or completion of the said entries. Had the petitioner been apprised of such entries in time, he would have availed the statutory remedy of representation and ensured proper consideration of his performance record. Thus, the action of the respondents in directly relying upon incomplete or uncommunicated ACRs while assessing suitability in the DPC amounts to a clear violation of principles of natural justice. It is further argued that the object of maintaining ACRs is to ensure administrative efficiency while simultaneously affording the employee an opportunity to improve performance and correct deficiencies. The denial of such opportunity renders the entire process arbitrary. The petitioner, having been regularized on 17.02.2016 and having rendered satisfactory service, cannot be deprived of promotion solely because the employer failed to complete or communicate his ACRs.

- 6 Learned counsel also submits that the petitioner is not pressing for quashment of the promotion of private respondents per se, but is confining his relief to a direction for reconsideration of his candidature with effect from 28.12.2022, the date on which his juniors were promoted. The prayer is limited to consideration afresh after excluding incomplete or uncommunicated ACR entries and, if found suitable, grant of notional seniority and consequential benefits to maintain parity with his juniors. It is contended that supersession of a senior employee by juniors,

without adherence to the mandated procedure and in violation of settled legal principles, results in grave civil consequences affecting pay, future promotional avenues, pensionary benefits, and retiral dues. Therefore, in view of the settled law and the admitted position regarding non-communication of ACR entries, the impugned promotion order dated 28.12.2022, insofar as it excludes the petitioner from consideration, is liable to be set aside and the respondents be directed to hold a review DPC. As such, a direction be issued to the respondents to reconsider the case of the petitioner for promotion to the post of Assistant Project Ranger w.e.f. 28.12.2022 and grant him all consequential service benefits, in the interest of justice.

- 7 On the other hand, learned State counsel submits that at the outset it is an admitted position that the petitioner is an employee of Chhattisgarh State Forest Development Corporation Limited, which is an autonomous body having an independent legal entity distinct from the State Government. It is contended that the substantive reliefs in the present petition have been claimed only against respondent No. 2—Corporation and its authorities, and no specific relief has been sought against respondent Nos. 1 and 4 i.e. the State of Chhattisgarh. He therefore submits that the State of Chhattisgarh has been arrayed merely as a formal party and, in absence of any direct allegation or relief claimed against it, the State is not required to file a reply on merits. It is further submitted

that the service conditions, promotional avenues and consideration of ACRs of the petitioner fall exclusively within the administrative domain of the Corporation, and any grievance in that regard has to be addressed by the concerned respondent–Corporation in accordance with law.

- 8 Learned counsel for respondent Nos. 2 and 3 submits that the impugned promotion order dated 28.12.2022 is a matter of record. It is contended that the petitioner, though senior in the gradation list, was considered by the Departmental Promotion Committee (DPC) in accordance with the Chhattisgarh Lok Seva Padonnati Niyam, 2003 and the applicable service rules of Chhattisgarh State Forest Development Corporation Limited. The criteria adopted was “seniority-cum-suitability” and a benchmark of 12 marks was fixed on the basis of evaluation of the last five years’ ACRs. It is submitted that since one ACR of the petitioner was incomplete, the DPC, in terms of Rule 6.6, considered the previous year’s ACR. Upon assessment, the petitioner secured only 11 marks, which was below the prescribed benchmark, and therefore he was found unsuitable for promotion. So far as communication of ACRs is concerned, the respondents state that the ACRs were communicated to the petitioner through the competent authority and letters in that regard have been placed on record. However, it is fairly conceded that no separate acknowledgment bearing the signature of the petitioner has been

filed on record. Nonetheless, it is argued that the promotion process was conducted strictly as per rules and the petitioner was not recommended solely for want of requisite benchmark marks.

- 9 I have heard learned counsel appearing for the parties and perused the documents annexed with the writ petition.
- 10 Considering the rival submissions advanced on behalf of the parties, the material available on record and the affidavit filed by the competent authority, this Court finds that though the respondents have asserted communication of the ACRs, no documentary proof of acknowledgment by the petitioner has been brought on record. The law with regard to communication of ACR entries is no longer res integra. The Hon'ble Supreme Court in ***Rukhsana Shaheen Khan v. Union of India and others, (2018) 18 SCC 640*** and ***R.K. Jibanlata Devi v. High Court of Manipur through Its Registrar General and others, (2023) 19 SCC 472***, has categorically held that non-communication of entries having a bearing on promotional prospects is violative of the principles of natural justice. It has been consistently held that an employee cannot be denied promotion on the basis of entries in the ACR which were never communicated to him, thereby depriving him of an opportunity to make a representation. In absence of duly communicated adverse or below-benchmark entries, the claim of the petitioner for promotion cannot be defeated merely on the

ground of assessment founded upon such uncommunicated ACRs.

- 11** In view of the aforesaid settled position of law, the respondents are directed to reconsider the case of the petitioner for promotion to the post of Assistant Project Ranger strictly in accordance with the applicable rules. While undertaking such reconsideration, any ACR entry which has not been duly communicated to the petitioner and acknowledged in accordance with law shall not be taken into consideration for the purpose of assessing his suitability. If upon such reconsideration the petitioner is found entitled, consequential benefits shall also follow in accordance with law. The aforesaid exercise shall be completed within a period of 60 days from the date of production of a certified copy of this order before the competent authority.
- 12** With the aforesaid observations and directions, the instant petition stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh