



2026:CGHC:29919



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8254 of 2023

1 - Raj Kumar Gupta S/o Late Shri C.L. Gupta, Aged About 67 Years Asst Accounts Officer, Posted At C.G. State Agricultural Marketing Board, Bilaspur R/o Behind Lic Office, Tala Para, Ps Civil Lines, District Bilaspur Chhattisgarh.

... Petitioner

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Agriculture, Mahanadi, Mantralaya, Nava Raipur, Po And Ps Naya Raipur, District : Raipur, Chhattisgarh

2 - Chhattisgarh State Agriculture Marketing Board Through Managing Director C.G. State Agriculture Marketing Board, Beej Bhawan, G.E. Road, Talibandha, Raipur, District : Raipur, Chhattisgarh

... Respondents

(Cause title, as taken from CIS)

For Petitioner	: Mr. Malay Shrivastava and Ms. Kajal Chandra, Advocates
For State/Resp. No.1	: Mr. Dilman Rati Minj, Dy. Adv. General
For Respondent No.2	: Ms. Natasha Khan, Advocate on behalf of Mr. RK Kashyap, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order On Board

15/07/2026



1. With the consent of the parties, the matter is heard finally.
2. The petitioner has preferred the present writ petition under Article 226 of the Constitution of India seeking quashment of the order dated 08.08.2023 (Annexure P-10), whereby the petitioner's representation seeking upgradation of the grading in his Annual Confidential Reports (ACRs) for the years 2006-07, 2007-08, 2008-09, 2009-10, and 2010-11 has been rejected.
3. The facts of the case in brief are that, the petitioner was initially appointed as a Junior Auditor in the Madhya Pradesh State Agriculture Marketing Board at Bhopal vide order dated 22.10.1985 (Annexure P-1). His services were confirmed on the said post vide order dated 01.05.1989. Thereafter, he was promoted to the post of Senior Auditor vide order dated 01.02.1993 (Annexure P-2), and subsequently, vide order dated 29.11.2005 (page 19 of the writ petition), he was promoted to the post of Assistant Account Officer. Against the said promotion order of the petitioner, one Kailash Chand Sharma preferred a writ petition bearing WPS No.5782/2007 before this Court. During the pendency of the said writ petition, Kailash Chand Sharma, who was junior to the petitioner in the gradation list, was promoted to the post of Assistant Account Officer by the respondent No.2.

In the gradation list of the Assistant Account Officers, which was issued for the year 2012-13, as on 01.04.2012, the petitioner was placed at Sr. No.1, whereas Kailash Chand Sharma was



placed at Sr. No.2. However, despite the petitioner being senior, Kailash Chand Sharma was promoted to the post of Account Officer as per Schedule-I of the Chhattisgarh State Marketing Board Service Viniyam, 1998, thereby depriving the petitioner of promotion. Aggrieved by the promotion order of Kailash Chand Sharma, the petitioner filed WPS No.1326/2013. The said writ petition was disposed of by this Court with a direction to the respondents to furnish copies of the petitioner's ACRs for the years 2007 to 2011 within two months. The petitioner was granted liberty to submit a representation seeking upgradation of the grading in his ACRs, which was directed to be considered and decided by the respondent authorities within two months from the date of its submission. The Court further observed that if the petitioner's entry is upgraded, he was considered for promotion on the post of Account Officer retrospectively by the Departmental Promotion Committee (DPC) within three months thereafter and if the petitioner gets selected for promotion on the aforesaid post retrospectively, he should be given higher pension and arrears of pay along with interest @ 6% per annum till the date of actual payment. Pursuant to the aforesaid directions, the respondents supplied copies of the petitioner's ACRs for the years 2006-07 to 2011-12 vide Annexure P-6. Thereafter, the petitioner submitted a representation (Annexure P-7) seeking upgradation of the grading recorded in his ACRs. The said representation was rejected by



respondent No.2 vide order dated 08.08.2023 (Annexure P-10), which is under challenge in the present writ petition.

4. Learned counsel for the petitioner submits that although the petitioner was senior to Kailash Chand Sharma, he was not granted promotion. He further submits that in the ACRs for the years 2006-07 to 2011-12, the petitioner was awarded Grade 'A' once, Grade 'B' twice and Grade 'C' twice. It is further submitted that since the adverse entries recorded in the petitioner's ACRs were not communicated to him within a reasonable time, thereby depriving him of the opportunity to submit a representation seeking upgradation of his ACR gradings within the prescribed period. Hence, it is prayed that since the petitioner was senior to Kailash Chand Sharma, and had received Grade 'C' only two times, his adverse gradings of B & C be upgraded to Grade 'A'.
5. Respondent No.2 is main contesting party. Learned counsel for the respondent No.2, referring to the reply, submits that the criteria for promotion from the post of Assistant Account Officer to Account Officer is seniority-cum-merit. She further submits that, for promotion on the post of Account Officer, the DPC was constituted, which was convened on 01.04.2013. Both the petitioner and Kailash Chand Sharma fell within the zone of consideration. It is further submitted that the DPC prescribed a minimum benchmark for promotion to the said post, and one of the essential requirements being that the overall evaluation of 5 years of ACRs should fall within the "Good" category. Upon



evaluation of the petitioner's ACRs of last 5 years, it was found that he did not achieve the minimum benchmark, therefore, he was declared unfit for promotion to the post of Account Officer. On the other hand, Kailash Chand Sharma achieved the minimum bench mark and, being second in the seniority list, was promoted to the post of Account Officer. Learned counsel further submits that pursuant to the order dated 12.01.2023 passed in WPS No.1326/2013, copies of the petitioner's ACRs for the years 2006-07 to 2011-12 were furnished to him. The ACRs for the years 2006-07 and 2007-08 reflected Grade 'C', accompanied by adverse remarks stating that the standard of his work was 'average', that he did not take adequate interest in official work and instead remained engaged in personal matters, and that he lacked willingness to discharge his official duties. Though the petitioner received Grade 'B' for the years 2009-10 & 2010-11 and Grade 'A' for the year 2011-12, respondent No.2 submits that, considering the overall gradings and adverse remarks, there was no infirmity or illegality in the decision to deny the petitioner promotion while promoting Kailash Chand Sharma.

6. As per the impugned order dated 08.08.2023 (Annexure P-10), the Reporting/Reviewing Officer who had recorded the final remarks in the petitioner's ACRs had retired 10 to 12 years earlier. Consequently, in view of the circular issued by the General Administration Department (GAD), it was not possible to obtain



fresh opinion from the said officer regarding the gradings awarded to the petitioner.

7. Having considered the aforesaid facts and circumstances, this Court does not find any merit in the present writ petition. Accordingly, the writ petition is **dismissed at the motion stage**.
8. Pending interlocutory application(s), if any, stands disposed of. No order as to cost(s).

Sd/-
(Naresh Kumar Chandravanshi)
JUDGE