HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

JASTHAN HIGH COL

S.B. Civil Writ Petition No. 15625/2010 Kailash Chand Gupta S/o Shri Ram Charan Lal Gupta, aged about 50 years, R/o B-36, Mahesh Nagar, Jaipur

----Petitioners

Versus

- 1. Jaipur Vidyut Vitran Nigam Ltd., Jaipur trough its Chairman & Managing Director, Vidyut Bhawan, Jyoti Nagar, Jaipur.
- 2. Secretary (Administration), Jaipur Vidyut Vitran Nigam Ltd., Vidyut Bhawan, Jyoti Nagar, Jaipur.
- 3. Shri B.L. Meena, presently holding the post of Executive Engineer (O&V), JVVNL office Khandar, Headquarter Sawai Madhopur, District Sawai Madhopur

----Respondents

For Petitioner(s) : Mr. C.P. Sharma with

Mrs. Santosh Sharma

For Respondent(s) : Mr. Sandeep Saxena with

Ms. Neha Swami

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL <u>Judgment / Order</u> 11/08/2025

This writ petition is directed against the order dated 20.12.2006 whereby, the petitioner, a Junior Engineer was given benefit of first selection scale, available on completion of nine years of service, after ten years, i.e., with a delay of a year.

Indisputably, this has been done on the basis of remarks "poor" in his Annual Confidential Report (for brevity "the ACR") for the year 2000-01.

Learned counsel for the petitioner, inviting attention of this Court towards the complete copy of the ACR for the relevant period obtained by him under the Right to Information Act, 2005, would submit that he was rated as an average employee by the reporting authority, by the reviewing authority as well as by the counter-signing authority and the reviewing authority found him

qualified for promotion in turn. He, therefore, prays that the extension of grant of selection scale by one year on account of adverse remark is not tenable in the eye of law.

Learned counsel for the respondents did not dispute that the parameters for grant of selection scale are not on higher pedestal than the consideration for grant of promotion and in the ACR for the subject year, he was held to be qualified for promotion in turn.

In view of the aforesaid, nothing much survives for consideration of this Court and the petitioner is found to be entitled for grant of first selection scale on completion of nine years of service instead of ten years.

Resultantly, this civil writ petition is allowed. The order impugned dated 20.12.2006 is quashed and set aside to the extent of extending grant of first selection scale by one year. The petitioner is held entitled for grant of first selection scale on completion of nine years of service. Consequences to follow. Arrears shall be paid to the petitioner alongwith interest @ 6% per annum. Compliance be made within a period of twelve weeks from the date of communication of this order failing which the arrears shall carry interest @ 9% per annum after the expiry of the stipulated period and the Officer(s) responsible for delay would bear the enhanced component.

Pending application(s), if any, also stands disposed of.

(MAHENDAR KUMAR GOYAL),J