



**HIGH COURT OF ANDHRA PRADESH**  
WEDNESDAY ,THE TWENTY SEVENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY TWO

**PRESENT**

**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN**

**WRIT PETITION NO: 171 OF 2022**

**Between:**

1. DARA SRINIVASA RAO S/o. Narayya, Aged. 56 years,  
Senior Manager, Andhra Pradesh State Financial Corporation,  
Plot OS No.2, 2nd Cross, 3rd Road,  
Industrial Park, Auto Nagar,  
Vijayawada-520007, Krishna Dist.,
2. Nakka Bala Maddilety, B.E., S/o. Pedda Pullaiah, Aged. 46 years,  
Senior Manager, Andhra Pradesh State Financial Corporation,  
Plot OS No.2, 2nd Cross, 3rd Road,  
Industrial Park, Auto Nagar,  
Vijayawada-520007, Krishna Dist.,

**...PETITIONER(S)**

**AND:**

1. ANDHRA PRADESH STATE FINANCIAL CORPORATION Rep. by its  
Managing Director,  
Plot OS No.2, 2nd Cross, 3rd Road, Industrial Park, Auto Nagar,  
Vijayawada-520007, Krishna Dist.,
3. Board of Directors , Andhra Pradesh State Financial Corporation,  
Rep. by its Managing Director,  
Plot OS No.2, 2nd Cross, 3rd Road,  
Industrial Park, Auto Nagar,  
Vijayawada-520007, Krishna Dist.,
4. Sri R.Prabhakar Goud, Formerly General Manager (HRD)  
Presently working as Chief General Manager (HRD),  
Andhra Pradesh State Financial Corporation,  
Plot OS No.2, 2nd Cross, 3rd Road, Industrial Park, Auto Nagar,  
Vijayawada 520007, Krishna Dist.,

**...RESPONDENTS**

**Counsel for the Petitioner(s): C SRINIVASA BABA**

**Counsel for the Respondents:**

**The Court made the following: ORDER**

**HIGH COURT OF ANDHRA PRADESH: AMARAVATHI****WRIT PETITION No.171 OF 2022**

Between:

1. Dara Srinivasa Rao, M.Tech, S/o.Narayya, aged 56 years, senior manager, Andhra Pradesh State Financial Corporation, Plot OS No.2, 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijayawada-520007, Krishna District.
2. Nakka Bala Maddilety, B.E., S/o.Pedda Pullaiah, aged 46 years, senior manager, Andhra Pradesh State Financial Corporation, Plot OS No.2, 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijayawada-520007, Krishna District.

... Petitioners

Vs.

- \$ 1. Andhra Pradesh State Financial Corporation, rep. by its Managing Director, Plot OS No., 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijaywada-520 007, Krishna District.
2. Board of Directors, Andhra Pradesh State Financial Corporation, rep. by its Managing Director, Plot OS No., 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijaywada-520 007, Krishna District.
  3. Sri R.Prabhakar Goud, Formerly General Manager (HRD), Presently working as Chief General Manager (HRD), Andhra Pradesh State Financial Corporation, Plot OS No., 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijaywada-520 007, Krishna District.

.... Respondents

Date of Judgment Pronounced: 27.04.2020

Submitted for Approval:

**HON'BLE SRI JUSTICE B. KRISHNA MOHAN**

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|--|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the judgments ? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals      | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ? | Yes/No |

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**JUSTICE B. KRISHNA MOHAN**



**\* HON'BLE SRI JUSTICE B. KRISHNA MOHAN**

**+ WRIT PETITION No.171 OF 2022**

% 26.04.2020

# 1. Dara Srinivasa Rao, M.Tech, S/o.Narayya, aged 56 years, senior manager, Andhra Pradesh State Financial Corporation, Plot OS No.2, 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijayawada-520007, Krishna District.

2. Nakka Bala Maddilety, B.E., S/o.Pedda Pullaiah, aged 46 years, senior manager, Andhra Pradesh State Financial Corporation, Plot OS No.2, 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijayawada-520007, Krishna District.

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Vs.

\$ 1. Andhra Pradesh State Financial Corporation, rep. by its Managing Director, Plot OS No., 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijaywada-520 007, Krishna District.

2. Board of Directors, Andhra Pradesh State Financial Corporation, rep. by its Managing Director, Plot OS No., 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijaywada-520 007, Krishna District.

3. Sri R.Prabhakar Goud, Formerly General Manager (HRD), Presently working as Chief General Manager (HRD), Andhra Pradesh State Financial Corporation, Plot OS No., 2<sup>nd</sup> cross, 3<sup>rd</sup> road, Industrial Park, Auto Nagar, Vijaywada-520 007, Krishna District.

.... Respondents

! Counsel for the petitioners: SRI C.SRINIVASA BABA

Counsel for the Respondents: SRI G.R.SUDHAKAR

STANDING COUSNEL FOR APSRTC

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>Head Note:

? Cases referred:

1. 2019(4) SCC 276

2. (2008) 8 SCC 725

3. (2013) 9 SCC 566

4. (2009) 1 ALD 651

**HON'BLE SRI JUSTICE B. KRISHNA MOHAN****WRIT PETITION No.171 OF 2022****ORDER:**

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent-Corporation.

2. This writ petition is filed questioning the action of the respondents in not considering the case of the petitioners for promotion to the post of Assistant General Manager on the ground of self-appraisal reports shown as poor for the preceding three years.

3. The counsel for the petitioners submits that the petitioners initially worked as Assistant Managers in the respondent-Corporation and got promotion as Deputy Managers and they were promoted subsequently as Senior Managers. Through out their career their performance was noted as good and got promotions from time to time till the level of the post of Senior Manager. Thereafter for the reasons best known with respect to the affairs of the Corporation, their ACRs were shown as poor and consequently they are being denied further promotion as Assistant General Managers from time to time whereas their juniors were promoted to the said post.

4. The counsel for the petitioners refers to the tables under the heads of consolidated self-appraisal reports of Sri D.Srinivasa Rao, Senior



Manager and consolidated self-appraisal reports of Sri N.Bala

Maddilety, Senior Manager, which are as follows:

Consolidated Self-Appraisal reports pertaining to Sri D.Srinivasa Rao, Senior Manager:

Sl.No.	Financial year	Assessment by Reporting Officer		Assessment by Reviewing Officer/Managing Director		Score considered for Promotion as per Reviewing Officer/Managing Director	
		Rating	Remarks	Rating	Remarks	Rating	Remarks
1.	2014-15	3.65	Very Good (far above standard)	3.60	Very Good (Far above standard)	3.60	Very Good (Far above standard)
2.	2015-16	3.75	Very Good (far above standard)	4.75	Excellent	4.25	Very Good (Far above standard)
3.	2016-17	3.00	Good (Above standard)	3.925	Very Good (Far above standard)	3.925	Very Good (Far above standard)
4.	2017-18	4.12	Very Good (far above standard)	0.50	Unsatisfactory (Poor)	0.50	Unsatisfactory (Poor)
5.	2018-19	4.12	Very Good (far above standard)	0.50	Unsatisfactory (Poor)	0.50	Unsatisfactory (Poor)
6.	2019-20	4.12	Very Good (far above standard)	2.00	Barely satisfactory (Below standard)	2.00	Barely satisfactory (Below standard)

Consolidated Self-Appraisal reports pertaining to Sri N.Bala Maddilety, Senior Manager:

Sl.No.	Financial year	Assessment by Reporting Officer		Assessment by Reviewing Officer/Managing Director		Score considered for Promotion as per Reviewing Officer/Managing Director	
		Rating	Remarks	Rating	Remarks	Rating	Remarks
1.	2014-15	4.25	Very Good (far above standard)	4.25	Very Good (Far above standard)	4.25	Very Good (Far above standard)
2.	2015-16	4.25	Very Good (far above standard)	4.25	Very Good (Far above standard)	4.25	Very Good (Far above standard)
3.	2016-17	3.90	Very Good (Above standard)	4.25	Very Good (Far above standard)	4.25	Very Good (Far above standard)
4.	2017-18	3.60	Very Good (far above standard)	0.00	Unsatisfactory (Poor)	0.00	Unsatisfactory (Poor)
5.	2018-19	3.66	Very Good (far above standard)	0.50	Unsatisfactory (Poor)	0.50	Unsatisfactory (Poor)
6.	2019-20	3.66	Very Good (far above standard)	1.50	Barely satisfactory (Below standard)	1.50	Barely satisfactory (Below standard)



5. The above said tables indicate that from 2014-15 to 2019-20 so far as the Assessment of Reporting Officer is concerned, the remarks were very good for both the petitioners. So far as the assessment of the Reviewing Officer is concerned, for the first three years of financial years 2014-15 to 2016-17 the remarks were very good, excellent, and very good respectively. Thereafter from 2017-18 to 2019-2020 it is shown as unsatisfactory in the case of both the petitioners. The said remarks of the Reviewing Officer for those three financial years were on the same day after he left the office on 19.03.2020 as Managing Director of the respondent-Corporation. The counsel for the petitioners refers to the Guidelines of the Revised Promotion Policy wherein the eligibility and criteria for the post of Assistant General Manager is shown in para 5(e) which is as follows:

e) To the cadre of Assistant General Manager:

Eligibility	Service in SM Cadre
Min.Period of service	3 years
Qualification	ACA/AICWA/MB/M.Com./LL.B./Graduate Engineer from a recognized University/AMIE/CAIIB/CFA
Criteria for evaluation	Performance - 65 marks Length of service - 15 marks Interview - 20 marks Total - 100 marks

6. Though the petitioners satisfy the said criteria for promotion, they have been deprived of the same. After filing the writ petition the petitioners secured these “Self-Appraisal Reports” and as such they are filed as additional material papers. But there was no opportunity given



to the petitioners while reviewing officer taking a decision in conflict with the decision of the reporting officer.

7. The counsel for the petitioners submits that no opportunity was given for the petitioners when there is a conflict of opinion of the reviewing officer with that of the reporting officer and as such the petitioners do not accept the poor appraisal recorded by the Reviewing Officer in the said ACRs as they are not tenable.

8. The learned counsel for the petitioners also refers to the decision of the Hon'ble Supreme Court reported in *Anil Kumar vs. Union of India and others*<sup>1</sup> wherein it was held that the opportunity should be given to the employees to make a representation for upgradation of the ACRs and consideration of promotion and it is binding on all the Corporations and the Government employees. Hence, the Hon'ble Supreme Court of India interfered with the decision of the CAT and the High Court in the said case and directed the authorities therein to grant an opportunity to submit a representation of the appellant therein in respect of ACRs for their financial upgradation and consideration of promotions subsequently. Relevant paragraphs are extracted as follows:

“10. In **DEV DUTT V. UNION OF INDIA**<sup>2</sup> a two Judge Bench of this court held that fairness in public administration and transparency require that all entries in the Annual Confidential Reports of a public servant must be communicated within a reasonable period in order to enable the employee to make a representation for upgradation. The view of the Court

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<sup>1</sup> 2019(4) SCC 276

<sup>2</sup> (2008) 8 SCC 725



was that non-communication of entries in the ACRs has civil consequences since it may affect the chances of the employee for promotion and other benefits. A failure to communicate would be arbitrary. This court held that these directions would apply to employees of statutory authorities, Public Sector Corporation and other instrumentalities of the State, in addition to government servants.

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12. The three-Judge Bench in **SUKHDEV SINGH v. UNION OF INDIA**<sup>3</sup>, held thus:

“8. In our opinion, the view taken in Dev Dutt that every entry in ACR of a public servant must be communicated to him/her within a reasonable period is legally sound and helps in achieving threefold objectives. First, the communication of every entry in the ACR to a public servant helps him/her to make representation for upgradation of the remarks entered in the ACR. Third, communication relating to a public servant and the system becomes more conforming to the principles of natural justice. We accordingly, hold that every entry in ACR-Poor, fair, average, good or very good – must be communicated to him/her within a reasonable period.”

9. On the other hand, the learned Standing Counsel for the Corporation submits that the petitioners having aggrieved with the remarks of the reviewing officer in the self appraisal reports, they should have preferred an appeal before the Board and interviews were conducted on 12.10.2021 for the post of Assistant General Managers and promotions were given on 27.01.2022 in respect of five vacancies of the said promotions. Those promotees are not made as parties in this writ petition and as such it is liable to be dismissed for want of non-joinder of necessary parties. The counsel for the respondents also refers to the proceedings of the Corporation dated 29.09.2021 wherein the

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<sup>3</sup> (2013) 9 SCC 566





objections were called for from the Senior Managers with regard to the performances of officers for the financial years 2017-18, 2018-19 and 2019-20 on or before 05.10.2021. But the petitioners have not applied for the same. However, he admits that recently the said self appraisal reports were furnished to the petitioners during the pendency of this writ petition.

10. In reply, the learned counsel for the petitioners clarifies that the petitioners are not aggrieved with the promotees though they are juniors to them and as such they are not made as parties in this writ petition. However, they are only concerned with the existing vacancies and future vacancies for their cases to be considered for promotions notwithstanding the earlier ACRs which were remarked as unsatisfactory without any basis.

11. Having regard to the above said facts and circumstances and in view of the directions of the Hon'ble Supreme Court of India, still the petitioners can avail the opportunity of making a representation to the respondent-Corporation seeking for promotion as Assistant General Managers. In view of the settled legal position, this court feels that it is just and necessary to give an opportunity for the petitioners to approach the respondent-Corporation by making such a representation specifically within a period of three weeks from the date of receipt of this order. On receipt of the same, the respondent-Corporation is directed to consider the case of the petitioners for promotion as



Assistant General Managers in the light of the aforesaid decision of the Hon'ble Supreme Court of India as expeditiously as possible preferably within eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. No costs.

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**JUSTICE B. KRISHNA MOHAN**

April 26, 2022  
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**HON'BLE SRI JUSTICE B. KRISHNA MOHAN**

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**WRIT PETITION No.171 of 2022**

April 26, 2022

*LMV*