

15.10.2026
Supple. 2
sdas

WPA 30530 of 2026

Anup Halder
Vs.
Union of India & Ors.

Mr. Kallol Bose
Mr. Dyutiman Banerjee
Mr. Debjit Dutta
..... for the petitioner

Mr. Avishek Guha
Mr. Biswaroop Ghosh
..... for the respondent nos. 2 to 4

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner is aggrieved that two successive show-cause notices have been issued to him on August 28, 2026 and October 5, 2026. By this writ petition he has challenged both the show-cause notices.
3. The petitioner was employed in the respondent no. 2 as a Development Officer. He has been working there since 2019. His service has been confirmed in 2020.
4. According to the annual appraisal report, the officers of the respondent no. 2 are screened to note whether their services are being rendered in a profitable manner or not. If it is found that their output is not satisfactory they are liable to be terminated from service. The petitioner, upon receipt

of the two show-cause notices, one of which was on August 28, 2026, he has responded on September 11, 2026, apprehends termination of service.

5. Mr. Basu, learned Advocate appearing on behalf of the petitioner, submits that the petitioner was engaged in the duties of Special Intensive Revision of Electoral Roll (SIR). He was engaged for a period of almost 84 days from January 17, 2026 to April 10, 2026. This timeline falls within his annual appraisal period of 2025-26, which commences from July 1, 2025 till June 30, 2026. Thus, having missed 84 days of work at the work station of the respondent no. 2, the petitioner's appraisal report could not have been correctly assessed to ascertain whether the productivity of the petitioner is profitable or not.

6. Mr. Guha, learned Advocate appearing on behalf of the respondent nos. 2 to 4, submits that keeping in mind such SIR duties, the respondent no. 2, by its notice of March 12, 2026, had intimated all Zonal Managers and other Managers-in-Charge of Divisions, to obtain requests in writing in the prescribed proforma from all such officers of the respondent no. 2 who had been engaged in SIR duty. The petitioner not having availed of such an extension, is thereby completely disentitling, as of now, to seek remission of the period of 84 days that he served on election duty for SIR.

7. I have heard the learned Advocates for the parties.

8. The applicable Rules of the Life Insurance Corporation of India, Development Officers (Revision of Certain Terms and Conditions of Service) Rules, 2009 (hereinafter referred to as the “said Rules”), specifies certain rights, duties and obligations of such Development Officers. The petitioner has not challenged the fact that the appraisal is done on an annual basis depending on the 12 months of service of each individual Development Officer.

9. The petitioner is aggrieved that his service of 84 days for the SIR has not been considered by the authorities. In fact, while responding to the first show-cause notice of August 28, 2026, on September 11, 2026, he has, in no uncertain terms, admitted that he did not appeal to extend his appraisal year by the period of 84 days following the circular issued by the respondent no. 2. He has submitted, in this response, that he had glossed over the same due to his lack of knowledge and wrong conception.

10. It is indisputable that the petitioner did not apply for extension of the appraisal period in terms of the notice of March 12, 2026. It is equally indisputable that the petitioner had indeed rendered service for SIR duties for a period of 84 days.

11. This much is also equally true that while issuing the second show-cause notice of October 5, 2026, the authorities have not taken into account his fervent request made in the response to the first show-cause notice on September 11, 2026.

12. The petitioner still has the liberty to issue a response to the second show-cause notice of October 5, 2026. The petitioner will be entitled to take or resume his request to take the SIR period into account which will be dealt with the respondent no. 2 to 4 sympathetically taking into account the fact that the petitioner had indeed rendered service in the SIR activities. The appraisal should not be done mechanically or arbitrarily simply because the petitioner had been unable to seek extension of his appraisal period. The petitioner has time till about November 5, 2026 to file such response. The authorities will consider such response by November 20, 2026 and pass a reasoned order thereof.

13. As submitted by Mr. Guha, learned Advocate, in the event the authorities choose not to accept the reasoning or explanation given by the petitioner for his poor performance owing to his deputation for SIR duty, his service will be terminated in terms of Rule 7 of the aforestated Rules and the petitioner will still have a period of three months thereafter to challenge the same before the concerned Appellate Authority.

14. With the aforestated directions, the writ petition is disposed of.

15. There will be no order as to costs.

16. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Reetobroto Kumar Mitra, J.)