

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10261 of 1995

Date of decision: 23.02.2015

Harmohinder Singh

....Petitioner

V/s.

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER.

Present: Mr. G.S. Jaswal, Advocate, for the petitioner.

Mr. Nilesh Bhardwaj, DAG, Punjab.

MAHESH GROVER, J. (Oral)

The petitioner prays for promotion to the post of Inspector.

While working as Sub-Inspector, Annual Confidential Report ('ACR' for short) for the period 01.04.1992 to 31.03.1993 was recorded by the Reporting Officer which was not found up to the mark on account of a preliminary enquiry which was pending against the petitioner. This preliminary enquiry eventually resulted in favour of the petitioner. But despite that neither the effect of the ACR nor the effect of pendency of the preliminary enquiry was ever erased, leaving the petitioner out of consideration for promotion, even when his juniors were promoted by sending their names to list 'F'.

The fact that the petitioner was senior to the persons who were promoted as Inspectors is not disputed.

On due consideration, I am of the opinion that the petitioner's case has been severely prejudiced. Once the solitary impediment of a preliminary enquiry against the petitioner stood extinguished and the findings recorded in his favour, the petitioner could not have been kept away from promotion and that too without even granting him a

consideration to that effect.

I am, thus, of the opinion that the writ petition needs to be disposed of, at this stage with a direction to the respondents to consider the case of the petitioner for promotion with effect from the date his juniors were promoted as Inspectors by brining them on list 'F' and if the petitioner fulfills all other requisites, he be granted promotion with effect from the same date as his juniors. Since he has retired, the respondents would look into this aspect and grant notional benefits to the petitioner which may eventually affect his prospects of increased pension.

Ordered accordingly.

February 23, 2015

Divyanshi

(MAHESH GROVER)
JUDGE