

**IN THE HIGH COURT OF PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CWP No.16026 of 2011

Date of decision: 2.2.2015

Inderjit Sharma

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. S.K.Arora, Advocate for the petitioner.

Mr. Harkesh Manuja, Addl.AG Punjab.

Mahesh Grover, J. (Oral)

The petitioner prays for the benefit of proficiency step up after having completed 24 years of service. His case is that he completed this requisite period in the year 1996 and was thus, entitled to aforesaid benefit in terms of the instructions issued by the Govt. The benefit, however, has been granted to the petitioner w.e.f. 2004. Thus, the only grievance that the petitioner makes in the instant petition is for grant of benefit w.e.f. 1996 instead of 2004. The instructions of the Government governing the subject prescribed that the over all service of the incumbent should be good which also includes two good Annual Confidential Reports for the last 2 years, preceding the year of entitlement. This being the indisputable position the Court has evaluated the ACRs of the petitioner which have been appended to the petition. Since the petitioner claims the grant of benefit w.e.f. 1996,

the previous three reports would assume significance. The ACR of the petitioner from 1.4.1991 to 1992 has been described as average, for the period 1992-93 it is good and for the year 1994-95 and 1995-96 ACRs were not recorded but for the year 1996-97 the report is again average. Thus, out of the aforesaid noticed ACRs, two immediately preceding the date of consideration were average. The Court would have liked to have a response from the respondents regarding the unrecorded ACRs but the reply indicates that in the year when the consideration was to be accorded to the petitioner, he was facing show cause notice for effecting recovery on account of unauthorised payments made to the contractors. This fact coupled with the aforesaid average reports could justifiably be said to be reason for not granting the ACP benefits to the petitioner at that point of time. Once the petitioner is under a cloud then his career record does not come within the recommended criteria for the grant of benefits. I thus, do not find any merit in the petition.

Dismissed.

2.2.2015
Meenu

(Mahesh Grover)
Judge