

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

CWP No.23075 of 2013 (O&M)

Date of Decision : 20.1.2015

Avtar Singh Rangra

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: Mr. N.S.Kandhola, Advocate
for the petitioner.

.....

MAHESH GROVER.J.

CM No.687 of 2015 is allowed. Annexure P-9 is taken
on record.

The petitioner impugns the order Annexure P-6 by
which an earlier order passed by the official respondents
debarring the respondent No.3 from promotion to the post of
Assistant Food Supply Officer for two years was withdrawn.

Undisputedly respondent No.3 was promoted as
Asstt. Food Supply Officer but she expressed her difficulty in
accepting the promotion on account of the affairs dictated by her
family circumstances.

The official respondents took note of the difficulties
expressed by the said respondent and resorted to the provisions of

Rule 18(2) of the Punjab Civil Services (General and Common Condition for Services) Rules, 1994 (hereinafter referred to as 'the Rules') to debar her for promotion for a period of two years.

Subsequently, the respondent No.3 made a representation urging the official respondents to grant her promotion as she is willing to submit to the dictates of the assignment which was accepted by virtue of Annexure P-6 and the earlier order debarring her for promotion for a period of two years was recalled, which is now the cause of grievance to the petitioner, who contends that he being the next senior most would have been entitled to such a promotion had the original order Annexure P-4 debarring the respondent No.3 for promotion permitted to stand without its recall affected by order Annexure P-6.

On due consideration, I find that the plea of the petitioner is misplaced. A reference to Rule 18(2), in particular the proviso thereto, grants a power to the competent authority to reconsider the bar of promotion visited upon an employee in terms of Rule 18(2) if he records his satisfaction to this effect to exempt a member of service from its purview. Rule 18(2) is extracted herebelow :-

“18(2) Debarring for consideration for promotion of a
Government Employee who refuse to accept

promotion. In the event of refusal to accept promotion by a member of a Service, he shall be debarred by the appointing authority from consideration for promotion for all the consecutive chances which may occur in future within a period of two years from the date of such refusal to accept promotion :

Provided that in a case where the appointing authority is satisfied that a member of the Service has refused to accept promotion under the circumstances beyond his control, it may exempt such a member for reasons to be recorded therefore in writing from the operation of this rule.”

Since the competent authority has exercised its powers under the proviso to restore promotion to respondent No.3 by liberating her from the consequences of the principal provision of law i.e. Rule 18(2), I am of the view that the instant petition warrants no interference. If a power vested in a competent authority does not show any tinge of arbitrariness, then the court in its exercise of powers under Article 226 of the Constitution of India would not normally interfere.

Consequently, the petition is dismissed.

20.1.2015
dss

(MAHESH GROVER)
JUDGE