

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

CWP No.4675 of 2014 (O&M)
Date of Decision: 15.03.2017

Mavie Krishan

...Petitioner

Versus

Central Warehousing Corporation and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Umesh Narang, Advocate for
Mr. D.R. Sharma, Advocate
for the petitioner.

Ms. Sudha, Advocate for
Mr. Suvir Sidhu, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed by the petitioner seeking to challenge the actions of the respondents in denying him promotion to the post of DGM (General) by taking into account un-communicated ACRs as well as recording of ACRs one day prior to the departmental promotion committee meeting, which was scheduled to be held on 27.06.2013. It is argued that the respondents could not have taken into account these ACRs, while denying him promotion.

Notice of motion was issued in the said writ petition and a reply has been filed thereto, in which, it is submitted that the petitioner stands promoted to the post of Deputy General Manager (G) in the pay scale of Rs.32900-58000/- w.e.f. the day he takes over the charge on the post and now he stands posted at Central Warehousing Corporation at Bhopal.

Learned counsel for the petitioner contends that petitioner is in fact entitled to the promotion from 27.06.2013, on the date when the DPC was convened and the date when his juniors were promoted. It is only on account of the fact that un-communicated ACRs were taken into consideration, that promotion was denied to him, which could not be done. Learned counsel for the petitioner to buttress his arguments, places reliance upon decisions rendered in ***Abhijit Ghosh Dastidar vs. Union of India and others***, Civil Appeal No.6227 of 2008 and ***Sukhdev Singh vs. Union of India and others***, Civil Appeal No.5892 of 2006.

I have heard counsel for the parties.

In view of the fact that petitioner has been promoted on 30.09.2014, substantial relief has been given to him. As far as the plea now raised that his promotion should be w.e.f. 27.06.2013, this issue needs to be considered by the department. Therefore, this writ petition is being disposed of by giving liberty to the petitioner to approach the department concerned for seeking the necessary relief of granting him promotion from 27.06.2013, the date his juniors were promoted. In case, the petitioner files a representation to the department concerned within a period of two weeks from the date of receipt of certified copy of this order, the same be decided

in accordance with law, preferably within a period of six weeks thereafter.

The writ petition stands disposed of in the aforesaid terms.

March 15, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No