

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.358 of 2017 (O&M)

Date of Decision: March 08, 2017

Harbhajan Lal

.....Appellant

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ravi Sharma, Advocate, for the appellant.

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Surya Kant, J. (Oral)

This letters patent appeal assails the order dated 14.02.2017 whereby learned Single Judge has turned-town the appellant's claim for retrospective promotion in the rank of Deputy Superintendent of Police.

[2] The appellant joined Punjab Police as a Constable on 14.12.1964. He was granted successive promotions including as Inspector on 15.06.1985. While he was posted as S.H.O, Police Station Dakha, the then Senior Superintendent of Police, Ludhiana, recorded adverse remarks in his Annual Confidential Report for the period w.e.f. 01.08.1988 to 31.03.1989 and in respect of the column of 'Honesty' the remarks made were 'Doubtful'. There were other adverse remarks as well. The appellant represented against those remarks and his representation was partly accepted by the Director General of Police, Punjab, who expunged the adverse remarks other than relating to the appellant's honesty.

[3] The fact of the matter is that despite having adverse remarks in his Annual Confidential Report, the appellant was promoted as Deputy Superintendent of Police on 15.02.2001. He has since retired from service.

[4] The appellant's claim before the learned Single Judge was that he was required to be promoted as Deputy Superintendent of Police from the year 1989 when his juniors were promoted as such. The appellant's claim has been turned down for the simple reason that due to adverse remarks in his ACR he was rightly denied promotion.

[5] We have heard learned counsel for the appellant at a considerable length and gone through the record.

[6] It is not in dispute that adverse remarks in the ACR for the year 1988-89 have attained finality. In this view of the matter when the appellant's honesty was doubtful, denial of promotion to him cannot be said to be an arbitrary or whimsical decision. The appellant cannot claim at par with his juniors who marched over him keeping in view their clean service record.

[7] No case to interfere with the order under appeal is made out.

[8] Dismissed.

[SURYA KANT]
JUDGE

March 08, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No