

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.

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CWP No.14186 of 2015 (O & M)  
Date of Decision: August 07, 2018

Ravinder Kumar Gupta

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Parmeet Singh Mitha, Advocate for  
Mr. P. S. Jammu, Advocate  
for the petitioner.

Mrs. Monika Chhiber Sharma, Senior DAG, Punjab.

Mr. Jagdish Mitter, Advocate  
for respondent No.3.

None for respondents No.4 and 5.

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**JASWANT SINGH, J. (ORAL)**

The petitioner was serving as a Deputy Director in the  
Department of Health and Family Welfare, Punjab.

By filing the present writ petition, he has challenged the orders  
dated 04.06.2015 (Annexure P-5) and 03.06.2015 (Annexure P-6), whereby  
his juniors i.e. Dr. Harinder Pal Singh Balli and Dr. Gulshan Rai  
(respondents No.4 and 5) have been promoted as Additional Director and  
Joint Director respectively. It is claimed that the petitioner is admittedly  
senior to the aforesaid private respondents and his claim for promotion was  
wrongly declined by the Departmental Promotion Committee.

Upon notice, reply by way of affidavit of the Director, Health

Services has been filed. Para 3 of the affidavit reads as under:-

“3. That it is submitted that the name of the petitioner was duly considered for promotion to the post of Joint Director/Additional Director along with the names of respondents No.3 and 4 by the Departmental Promotion Committee in its meeting held on 23.02.2015. He was found not fit for promotion as he did not fulfill the requisite criteria of benchmarking. It is further submitted that the respondents No.3 and 4 were found fit for promotion to the post of Additional Director and Joint Director respectively and on the basis of the recommendations of the Departmental Promotion Committee, they both were promoted to the post of Additional Director/Joint Director by the respondent No.1. The resume of last five ACRs of the petitioner considered in the Departmental Promotion Committee is as under:-

|           |                       |   |
|-----------|-----------------------|---|
| 2007-2008 | Very Good             | 3 |
| 2008-2009 | Average               | 1 |
| 2009-2010 | No Report Certificate |   |
| 2010-2011 | Good                  | 2 |
| 2011-2012 | Average               | 1 |
| 2012-2013 | No Report Certificate |   |
| 2013-2014 | Good                  | 2 |

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In the reply, it is asserted that the private respondents No.3 and 4 were fulfilling the bench mark and were promoted as they had secured 18 and 16 marks respectively whereas petitioner secured only 9 marks. The appointment was based upon the selection i.e. merit-cum-seniority and, therefore, the said juniors stood over the petitioner. It is submitted that Dr. Dharampal (respondent No.5) was not promoted. It is also pointed out that

In view of the stand of the respondents, no further adjudication is required.

Dismissed.

(JASWANT SINGH)  
JUDGE

August 07, 2018  
*A.Kaundal*

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