

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

Civil Writ Petition No.22434 of 2019

Date of decision : August 26, 2019

Kuldeep Kaur

...Petitioner

Versus

Kendriya Vidyalaya Sangathan and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Rajinder Mathur, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This writ petition has been filed laying challenge to the order dated 19.03.2018(Annexure P-6) of the Central Administrative Tribunal, Chandigarh Bench, whereby Original Application No.060/00490/2016 filed by the petitioner has been dismissed.

2. The petitioner was appointed as a Primary Teacher on 16.07.1976 with the respondent. She was promoted as Trained Graduate Teacher (TGT) w.e.f. 21.03.1984. She was promoted as Post Graduate Teacher (PGT) pursuant to recommendation of DPC held on 23.01.1995. Her junior Ganga Saran who had joined as Primary Teacher on 09.07.1977 was promoted as PGT on 03.10.1992 and further promoted as Vice Principal and Principal.

3. Aggrieved by the fact that she had not been considered for promotion by the DPCs held in the years 1992, 1993 and 1994 as her Annual Confidential Reports (ACRs) for the years 1988, 1989 and 1990

were not made available. She filed OA No.1349/PB/2011 which was disposed of vide order dated 01.11.2013. The respondents were directed to convey the full contents of ACRs for the years 1988, 1989 and 1990 to the petitioner to enable her to represent against the same. The respondents were also directed to hold a review DPC for consideration of her case for promotion as PGT (Hindi) against the Session 1991-92 after her representations were decided.

4. The petitioner submitted representations against her grading in the ACRs for the three years 1988, 1989 and 1990. The representations were considered by the Deputy Commissioner, Chandigarh who issued memorandum dated 15.09.2015 that the observations in the ACRs were justified and could not be upgraded. Thereafter, a review DPC was held on 30.09.2015 to consider her case for promotion to the post of PGT (Hindi) for the year 1991-92. She was found unfit for promotion as she did not meet the prescribed benchmark.

5. She filed OA No.060/00490/2016 impugning the aforesaid decisions and praying that the respondents be directed to promote her to the post of PGT with effect from the date her junior was promoted i.e. 03.10.1992 with all consequential benefits.

6. The Ld. Tribunal noticing that in the ACRs for the years 1988, 1989 and 1990, the petitioner had been assessed as 'Average', 'Satisfactory' and 'Satisfactory', which was below the prescribed benchmark of 'Good' for promotion, dismissed the petition holding that her case had been rightly rejected.

7. There is no illegality or perversity in the impugned order. The

representations of the appellant against her grading were duly considered and rejected. Her grading for the years 1988, 1989 and 1990 was below the prescribed benchmark of 'good' for promotion and thus, her case was rejected.

8. Accordingly, there is no merit in the appeal and the same is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

August 26, 2019
gian

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No