

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

**CWP No. 13710 of 2014
DATE OF DECISION : 11.02.2019**

Sukhwinder Singh

...Petitioner

versus

**Managing Director, Punjab State Federation of
Co-operative Sugar Mills Limited and another**

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Manit Kumar Arya, Advocate,
for the petitioner.

Mr. Harsh Chopra, Advocate,
for respondent No.1.

Ms. Jasleen Kaur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

1. The present writ petition has been filed, inter-alia, for issuance of a writ in the nature of certiorari to quash the order dated 19.02.2014 (Annexure P-7) whereby the petitioner, who at the relevant time was working as manufacturing chemist, was informed he was not eligible for the benefit of Assured Career Progression Scheme.

2. The order sheet of the case reflects that the petitioner has not been prosecuting his case despite opportunities. None has appeared for the petitioner on the past two hearings. Same is the position even today. A perusal of the petition shows that the lead argument of the petitioner is that the impugned order is in

contradiction with the notification dated 25.09.1998 (Annexure P-2) issued by Government of Punjab followed by notifications dated 10.01.2000 (Annexure P-3) and 16.01.2001 (Annexure P-4) under the Punjab Civil Services (Revised Pay) Rules, 2009.

3. The petitioner states that Government of Punjab introduced proficiency step up and assured career progression schemes which envisage as below :-

"i. Punjab Government Notification No. 7/37/88-5PP1/12851 dated 25th September, 1998

According to the said notification an employee who has rendered 8 years of service in a post of same cadre shall be recon for proficiency step-up. Further an employee who has rendered 8 years but less than 16 years shall be treated to be placed in higher scale on the date he was given the proficiency step-up. The copy of the Notification dated 25.09.1998 is annexed herewith as Annexure P-2.

ii. Punjab Government Letter No. 7/1/99-5::1/395 dated 10.01.2000

That in accordance with the said notification it is being clarified that placement in higher scale and proficiency step-up shall be granted only to those employees whose overall service record adjudges as 'Good'. It has been clarified that the term 'Good' will mean that 50% of ACRs should be 'good' and above, including at least two of the last three reports. The rest of the reports may be satisfactory/average. The copy of the notification dated 10.01.2000 is annexed herewith as Annexure P-3.

iii. Punjab Government Letter No. 7/52/200-5PPI/746 dated 16.01.2001

That in accordance with the said notification, it has been clarified that in case an employee does not have an ACR report of the preceding year(s), and a no report certificate has been issued for preceding year(s), in that case, the last three or more available reports be considered for the purpose of assessment. The copy of the notification dated 16.01.2001 is annexed herewith as Annexure P-4."

4. Per contra, learned counsel for respondent No.1 states that case of the petitioner was duly considered and after due application of mind, it was found that the petitioner is not eligible for grant of benefit of assured career progression scheme. He states that in order to be eligible for the benefit of assured career progression scheme on completion of 08 years of service, an employee must have an over all service record of being "good". He states that the over all service record can be considered as "good" only upon fulfillment of following two conditions :

- i) 50% of the total reports/ACR for the relevant period are good;
- ii) when two out of three years' reports/ACRs are good.

5. Learned counsel for respondent No.1 has drawn attention of this Court to circular dated 10.01.2000 (Annexure P-3) which envisages the above two conditions. He submits that the said circular has not been assailed by the petitioner. He further points out that vide letter/order dated 28.09.2004, the petitioner was declined the benefit of ACP on completion of 08 years owing to non-fulfillment of the criteria of not having 50% of

the preceding reports/ACRs to be "good". He submits that the said order dated 28.09.2004 was never challenged by the petitioner.

6. Learned counsel further contends that the petitioner was considered for grant of ACPs again on 14.11.2006. However, the petitioner was found once again ineligible in view of his non-fulfillment of criteria of having more than 50% reports/ACRs to be "good". The decision of non-grant of ACP was conveyed to him vide letter/order dated 14.11.2006 (Annexure R-1/4). He submits that even its denial, though for the second time, was not challenged by the petitioner.

7. Learned counsel has further drawn my attention to the letter/order dated 04.02.2008 (Annexure R-1/5), whereby case of the petitioner for grant of ACP was considered for the third time and was rejected for the same reasons. He further submits that the petitioner does not challenge the said order of non-grant of ACP. In the circumstances, he states that the present petition is not only to be dismissed on the ground of delay and iffiness but submits that even otherwise, the same is liable to be dismissed in view of non-fulfillment of criteria prescribed for grant of ACPs.

8. Having gone through the pleadings and having heard learned counsel for the petitioner, I find that argument of learned counsel for respondent No.1 is fair and reasonable and the present petition lacks in substance. There is no scope of interference in the impugned order dated 19.02.2014. The writ

petition is accordingly dismissed with no order as to costs.

(ARUN MONGA)
JUDGE

FEBRUARY 11, 2019
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |