

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGRH**

Letters Patent Appeal No.307 of 2019 (O&M)

Date of Decision: 29.03.2019

Amar Nath Bansal

..Appellant

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present : Mr. RS Longia, Advocate, for the appellant.

KRISHNA MUMARI, CHIEF JUSTICE

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 14.11.2018 passed by the learned Single Judge dismissing the writ petition filed by the appellant herein.

2. The issue raised by the appellant by filing the writ petition was in respect of his promotion. The petitioner was employed w.e.f. 19.01.1968 as Sectional Officer (SO) in Punjab PWD Public Health Department. Subsequently he was promoted as Extra Assistant Engineer and thereafter as Sub Divisional Engineer on *ad hoc* basis w.e.f. 08.11.1996. Admittedly, he retired from service on 30.04.2002 on attaining the age of superannuation. A Screening Committee was constituted by the State Government to consider and reconsider all the promotions due and made by the Government w.e.f. 1982 upto 01.01.2005.

3. The Departmental Promotion Committee (DPC) considered the case of the appellant-petitioner and others for further promotion to the post of Sub Divisional Engineer on regular basis but vide order dated 25.04.2007 the claim of the appellant-petitioner was rejected on the ground that he had got adverse remarks in the Annual Confidential Reports (ACRs). The same was challenged before this Court by filing Civil Writ Petition No. 14026 of 2009 which was disposed of by the learned Single Judge vide order dated 24.04.2012 by making the following observations:-

“Learned counsel for the petitioner has drawn the attention of this Court to the ACRs of the petitioner of these years (Annexures P-10 to P-13). He has stated that a perusal of the said ACRs reveals that the petitioner had never got any adverse remark in any of these ACRs. He has further drawn the attention of this Court to the Instructions dated 17.05.1995 issued by the Personnel and Administrative Reforms Department to all the Heads of Departments of Punjab Government whereby it was directed that the entire service record had to be seen in case of proficiency step up and promotion.

Learned Deputy Advocate General has not been able to deny these facts.

Accordingly, the petition is allowed and the impugned order dated 25.04.2007 (Annexure P-4) is quashed. The respondents are directed to consider the case of the petitioner for regular promotion as Sub Divisional Engineer within a period of three months from the date of receipt of a certified copy of this order.”

4. In pursuance to the aforesaid order the case of the appellant-petitioner was again considered by the Departmental Promotion Committee who after scrutinizing the entire service record of the appellant-petitioner found that he was awarded adverse remarks for the years 1968-69, 1970-71, 1972-73 and 1974-75. The Committee further evaluated his entire service

record along with all other candidates and he was not found fit and recorded the following observations:-

“On perusal of the record it has come into light that as per the confidential reports, his total marks comes to 11.2 whereas minimum 12 marks should be required for promotion as per the instructions issued by the Punjab Government and therefore, this officer has not been considered eligible for promotion.”

Learned Single Judge relying upon the aforesaid factual aspect of the matter dismissed the writ petition.

5. Having heard learned counsel for the appellants and having gone through the record of the writ petition as also the impugned judgment we find no good ground or any fact to take a view different to the one taken by the learned Single Judge.

The appeal is thus devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.03.2019
ravinder

Whether speaking/non-speaking: Speaking✓

Whether reportable : ✓Yes/No.