

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2236 of 1996 (O&M)

Date of decision :02.03.2020

O.P.Aneja

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE Ms. JUSTICE RITU BAHRI

Present:- Mr.Sachin Jain, Advocate, for the petitioner.

Mr.Hitesh Pandit, Additional Advocate General, Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking for quashing of the impugned orders Annexures P-4, P-5 and P-7 whereby, he has not been granted benefit of selection grade in the senior scale of HVS i.e. Rs.4100-5300 while he was holding the post of Veterinary Surgeon.

Learned counsel for the petitioner contends that petitioner joined as Veterinary Surgeon on 02.05.1966. The petitioner gave the departmental examination and passed successfully pursuant to the notification issued on 11.09.1968 (Annexure P-1). The petitioner was promoted vide order dated 15.12.1988 Annexure P-2 in Senior Scale of HVS.II with retrospective effect i.e. from the date of taking over the above scale of supervisory category. After being promoted, petitioner's case for grant of selection grade of Rs.4100-5300/- was considered and it was ignored vide order dated 20.09.1993 (Annexure P-4) and thereafter, another list was issued on 29.12.1993 (Annexure 5A) whereby again his case was ignored for grant of selection grade of Rs.4100-5300/- and vide order dated 02.03.1995 (Annexure P-7), the petitioner has again been considered ineligible for the selection grade of Rs.4100-530/-.

On notice issued in this petition, respondents have filed their written statement dated 31.12.1996. Learned State counsel while referring the government instructions dated 21.05.1973 (Annexure P-1) contends that the criteria for granting promotion is applicable for granting selection grade

to an employee and as per the criteria, if, an official has a report of doubtful integrity and that entry has to be more than 10 years old, he can be termed as eligible for grant of promotion. In the case of the petitioner, in his confidential report for the years 1986-87, it is reflected that his integrity was not above board and keeping in view this entry, he was rightly not given selection grade of Rs.4100-5300/- vide order dated 20.09.1993 (Annexure P-4) and order dated 29.12.1993 (Annexure P-5A). A perusal of the letter dated 10.05.1988 (Annexure P-10) shows that the director Animal Husbandry, Haryana had informed the petitioner with regard to his confidential report for the year 01.04.1986 to 31.03.1987 containing complaints against him for taking bribe and by letter dated 23.06.1989 (Annexure P-11) petitioner was informed his confidential report for the years 1988-89 and this report was 'Average'.

I have heard learned counsel for the parties and after going through the documents attached with this petition, it is observed that the adverse ACRs for the year 1986-87 with regard to his honesty was informed by the Director, Animal Husbandry, Haryana, Chandigarh, vide letter dated 10.05.1988 (Annexure P-10) and as per instruction (Annexure P-1), this adverse ACR regarding his honesty cannot be considered for the purpose of promotion or for grant of selection grade because adverse remarks relating to the integrity in reports are more than ten years old. In the written statement, it was not discussed that whether his case was considered for selection grade after 1997 or not. However, keeping in view the instructions Annexure R-1, respondents should have been considered the case of the petitioner after 10 years for grant of selection grade when the entry P-10 becomes more than 10 years old. In this regard no order has been passed till today for grant of selection grade. The present writ petition is disposed of with a direction to the respondents to consider the case of the petitioner as per instruction R-1 and pass appropriate orders in accordance with law with all consequential benefits and inform this Court within a period of four months after passing the orders.

02.03.2020

anil

(RITU BAHRI)
JUDGE**Whether speaking/reasoned = Yes/No.****Whether reportable= Yes/No.**