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

CWP-16919-2001 (O&M)

Date of decision: August 31, 2022

Roshan Lal

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the order dated 27.09.2001 (Annexure P-14) passed by respondent No. 3 in review vide which the order dated 26.11.1996 (Annexure P-4) whereby petitioner was allowed to cross efficiency bar w.e.f 01.04.1996 has been withdrawn.

2. Petition was admitted for hearing in the year 2001. On case being called, none has appeared for the petitioner.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible.

Reference may be had in particular to the stand taken in Paras-2 and

3 of the written statement filed on behalf of respondents No. 1 to 4 and the same reads as under:-

“2. That in reply to para 2 of the petition That the integrity of the petitioner in the ACR for the year 1992-93 was written as doubtful and his overall grading was average, as he was involved in a fraud case during that particular year for which his two increments were stopped without cumulative effect.

3. That the adverse remarks were conveyed to the petitioner vide letter dated 24.9.93 and these remarks were received by the petitioner on 4.11.93. The copy of letter dated 24.9.93 is enclosed as Annexure R-1. He was to cross his efficiency bar in the pay scale of Rs. 1200-30-1560-EB-40-2040 raising his pay from 1560/- to 1600/- w.e.f. 1.4.1996 which was allowed by respondent No. 3 vide his orders dated 26.11.1996 (Annexure P-4) violation of Govt. instructions. The State Government revised the pay scales of its employees w.e.f. 1.4.96 as the pay scale of Rs. 1200-2040 was replaced with Rs. 4000-6000. As per Govt. instructions last ten year ACRs were required to be kept in view while considering the case of efficiency bar of the petitioner. Since the integrity during the year 1992-93 was doubtful and when came to the knowledge of respondent No. 3, he was not allowed to cross the same vide order dated 26.10.98. His case was considered every years and was stopped to cross efficiency bar vide orders dated 8.12.98," 16.12.98, 3.4.2001, 19.4.2001 and 11.6.2001. However, orders dated 26.11.96 passed inadvertently allowing the petitioner to cross efficiency bar in the pay scale of Rs. 1200-2040 raising his pay from Rs. 1560-1600 w.e.f

1.4.96 were withdrawn vide order dated 27.9.2001. It is pertinent to mention here that the action of the respondent No. 3 was in accordance with foot note 3 of Rule 4.8. of Haryana Civil Services Rules Vol-I Part-I. The same is reproduced as under: NOTE 3" The cases of all officers held up at the efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and generally whether the defects for which they were stopped at the bar have been remedied to an extent sufficient to warrant the removing of the bar."

5. Learned State Counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

August 31, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No