

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

107

CWP-21565-2021

Date of Decision :16.05.2022

Tarsem Lal Goyal**..Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rishav Jain, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that in the present petition, rejection of the case of the petitioner for the grant of benefit of Assured Career Progression Scheme vide order dated 06.05.2019 (Annexure P/5) passed by the respondents is totally arbitrary and illegal and the same is liable to be set aside.

Learned counsel for the petitioner further argues that the petitioner became eligible for the grant of benefit of ACP after 08 years of service but, the same was not granted to him on the ground that as per the Punjab Government Circular dated 10.01.2000, overall record of the petitioner does not entitle him the grant of promotion, consequently, the same also does not entitle the petitioner the grant of benefit of ACP after rendering 08 years of service. Learned counsel for the petitioner submits that some of the ACR's reports of the petitioner were good and some of

them are average.

I have heard learned counsel for the parties and have gone thorough the record with their able assistance.

The grant of ACP is to overcome the stagnation of an employee, who is eligible for promotion but, could not be granted the same due to the non-availability of post in the promotional cadre despite being eligible from all respect. ACP cannot be claimed as a matter of right even in the case where employee is considered unfit for promotion. Merely that an employee has rendered 08 years of service does not entitle him for the grant of benefit of ACP ipso facto without the eligibility to get promotion.

In the present case, it is a specific case of the respondents that as per the Punjab Government Circular dated 10.01.2000, an overall record of an employee is to be good in order to get promotion and consequently, benefit of ACP. The good record means 50% of the Annual Confidential Reports of an employee should be good, whereas, in the present case, it is a conceded position that overall record of the petitioner as described in his ACR's, petitioner is an 'Average' employee. That being so, once the petitioner has not been able to clear the hurdles to be eligible for promotion merely, completion of 08 years of service will not automatically give him the right to claim benefit of ACP.

No ground to allow the prayer of the petition is made out.

Dismissed.

May 16, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No