

**In the High Court of Punjab and Haryana at Chandigarh**

215

**CWP-22504-2016 (O & M)**

**Date of Decision: September 20, 2022**

**DALJEET KAUR**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB & ANR**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr.S.K. Rattan, Advocate for the petitioner.

Ms.Akshita Chauhan, DAG, Punjab.

Mr. Abhishek Arora, Advocate for respondent No.2.

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**ANUPINDER SINGH GREWAL, J (ORAL)**

The petitioner has sought a direction to the respondents to release the arrears of pay on account of her promotion as Senior Assistant.

Learned counsel for the petitioner submits that the petitioner, who was working as Junior Assistant, had been ignored for promotion for the post of Senior Assistant on the ground that her 02 ACRs for the year 2006-07 and 2008-09 were average. These ACRs were not communicated to the petitioner and the petitioner had preferred a writ petition, which was allowed and the direction was issued that the case of the petitioner be considered for promotion by ignoring these ACRs. The petitioner has been promoted but the arrears have been denied. He has relied upon the judgment of the Division Bench of this Court in **State of Punjab and others versus Gian Singh, 2011 (4) SLR 783** and a single Bench judgment of this Court in **Suresh Kumar versus State of Punjab and another, 2013 (2) SLR 731.**

Learned counsel for the respondents while referring to the written statement submits that the petitioner had earlier not been promoted as her 02 ACRs were average and she was promoted in pursuance to the reconsideration of her case in terms of the direction of this Court. She is not entitled for the arrears as she was not eligible on the date when she had been claiming promotion. The petitioner had not claimed arrears in her earlier petition.

Heard.

The petitioner is stated to be physically challenged and suffering from 42 per cent permanent disability. She is a commerce graduate and had been appointed as Accounts Clerk in the physically challenged category in the year 2001. She had been ignored for promotion earlier as 02 ACRs were stated to be average. She had challenged this order and this Court had allowed the writ petition by holding that 02 ACRs which were not communicated to her had to be ignored and a direction was issued to the respondents to consider her case for promotion. The respondents thereafter had considered her case for promotion and found her eligible for promotion in the year 2016 and the benefits were granted to her with effect from 2011. When the petitioner had been found eligible for promotion and the benefit had been granted to her with effect from the year 2011, the date when her juniors had been promoted, the petitioner would be entitled to the arrears of the salary as well. I do not find any merit in the contention of the counsel for the respondents that the petitioner was ineligible. The ACRs, which were not communicated, had to be ignored and her eligibility had to be judged on the basis of other ACRs as had been directed by this Court in the aforementioned writ petition. The petitioner would be entitled to all the consequential benefits of her promotion with effect from the date when her juniors were promoted.

Consequently, the petition is allowed . The petitioner would be disbursed the arrears of salary on the promoted post from 2011 to 2016 within a period of 04 months from the date of receipt of certified copy of this order.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**September 20, 2022**  
**A.Kaundal**

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|----------------------------|---|--------|
| Whether speaking/ reasoned | : | Yes/No |
| Whether Reportable         | : | Yes/No |