

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

CWP-2427-2023 (O&M)

Date of decision: 20.02.2023

Pawan Kumar

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. V.B.Aggarwal, Advocate for the petitioner
Mr. R.S.Pandher, Sr.DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for issuance of a writ in the nature of Certiorari to quash the order dated 15.09.2022, whereby the claim of the petitioner for grant of proficiency increment has been rejected by the competent authority.

2. The relevant facts, in brief are required to be noticed.

3. The petitioner initially joined the Punjab Roadways as a Helper on 02.09.1973. He was promoted as an Assistant Fitter on 18.07.1977 and he was promoted as an Electrician on 01.08.1981. He retired on 28.02.2009 from the service. His claims for proficiency increment on completion of 8 years of service have been considered and declined on the ground that he failed to fulfill the minimum bench mark as per the instructions issued by the appropriate authority. The instructions provide that if the employee has earned three 'Good' ACRs out of the last previous five years he shall be considered for the proficiency increment.

4. Learned counsel representing the petitioner contends that the average ACR reports were never communicated to him. Hence, they

could not be used against him in denying the increment. He primarily relies upon **Dev Dutt vs. UOI 2008 (8) SCC 725** and various other judgments, which provides that in order to deny promotion or confirmation, adverse ACR reports are required to be communicated to the concerned employee.

4. This Court has considered the submissions and analyzed the arguments of the learned counsel representing the petitioner. In the present case, the petitioner has not been denied any promotion. Moreover, for grant of the proficiency increment, under the relevant instructions, a minimum bench mark has been provided by the authority. As per the aforesaid instructions, before an employee can be given proficiency increment, he is required to have earned atleast three 'Good' ACRs in the last five years. Learned counsel representing the petitioner does not dispute that the petitioner was not having three 'Good' ACRs during the last 5 years.

5. In any case, the petitioner retired on 28.02.2009. The relationship between the petitioner and the respondent came to an end on the day the petitioner retired. In these circumstances, this Court does not find it appropriate to exercise its extraordinary writ jurisdiction. The petitioner, if so advised, may avail the alternative remedy.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

20.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE