

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

CWP-4164-2023 (O&M)
Date of decision: 01.03.2023

Hardev Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms.Suman Chaudhary, Advocate for the petitioner

Mr.Vikas Arora, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This writ petition has been filed with the following substantive prayers:-

“a writ, order or direction especially a writ in the nature of Certiorari with a prayer for setting aside downgrading remarks of Annual Confidential Reports (ACRs) for the years 2011-12, 2012-13, 2013-14 (Annexure P-1) made in respect of petitioner while completely ignoring the settled position of law that the non- communicated ACRS of an employee cannot be downgraded at his back without any opportunity of hearing or any cogent order especially when no departmental enquiry or any other proceedings were either pending or were initiated against the petitioner during the above said period to which the ACRS pertain; and with further prayer for issuance of directions to the respondents for granting the petitioner the benefits of ACP and Seniority Promotion and all other consequential service benefits de-hor the impugned downgrading remarks as the same has been wrongly withheld just because of the illegally awarded downgrading remarks; and to grant the same from the date when it would have fallen due had the aforesaid remarks not been given and to pay consequential benefits of ACP

and Seniority Promotion alongwith arrears, alongwith interest thereon @ 18% p.a. from the date when fell due till realization. these benefits

C. In the alternative, directions may kindly be issued to the respondents to decide Legal Notice dated 01.11.2022 (Annexure P-8) filed by the petitioner w.r.t. expunging downgraded entry in ACRS of the years 2011-12, 2012-13, 2013-14 in time bound manner and to release the entitled dues to the petitioner.”

2. The relevant facts, in brief, are required to be noticed.
3. The petitioner is stated to have joined as a Clerk on 09.08.2001 whereas he was promoted as a Junior Assistant on 21.08.2006. Subsequently, he was promoted as a Senior Assistant on 13.04.2010. On 01.01.2015, he was promoted as Superintendent Grade II and on attaining the age of superannuation retired on 31.10.2020. He claims that after retirement he sought information under the Right to Information Act, 2005 vide application dated 01.10.2021 while asking for copies of the Annual Confidential Reports which were approved. Subsequently, he filed a representation on 27.10.2021 followed by the notice dated 01.11.2022.
4. Heard the learned counsel representing the petitioner. It is evident that from perusal of page 34, 36 and 38 that the petitioner's Annual Confidential Reports for the year 2011-12, 2012-13 and 2013-14 were never down graded. The approving authority has graded the petitioner's ACR's after considering the reports submitted by the reporting authority. These reports were recorded in the relevant years itself. As already noticed, the petitioner, on attaining the age of superannuation, demitted the office on 31.10.2020. Moreover, he was

promoted as a Superintendent Grade II with effect from 01.01.2015. He never made any grievance at that point in time. In these circumstances, this Court does not find it appropriate to entertain the writ petition at this belated stage.

5. Hence, dismissed.

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

01.03.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No