

2023:PHHC:062902
202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22325-2014 (O&M)
Date of decision: 02.05.2023

Amarjeet Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajeshwar Singh Thakur, Advocate for the petitioner

Mr. R.K. Kapoor, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for issuance of a writ in the nature of Certiorari to quash the order dated 21.06.2012 passed by respondent no.2, whereby he was denied promotion to the post of Senior Assistant.

2. At the outset, it must be noticed that the petitioner, on attaining the age of superannuation, retired in the year 2007. A careful reading of the impugned order shows that for the first time, the petitioner's case for promotion as Senior Assistant was considered in the year 2000 and he was promoted. Despite being eligible for promotion, he chose to forgo it by submitting an application. In 2003, once again the petitioner was promoted. However, he again waived his right to promotion. The competent authority debarred him from consideration for promotion for a period of 2 years. In September, 2005, the petitioner submitted an application to the competent authority for considering his case for promotion. The same was kept in a sealed cover and the petitioner retired. In 2011, he filed a writ petition

in which directions were issued by the High Court to consider his case. Consequently, the impugned order was passed. While assessing the suitability of the petitioner for promotion, the competent authority noticed the following Annual Confidential Reports (hereinafter referred to as ‘ACR’)

Sr.No.	Year	Remarks
1.	1999-2000	Good
2.	2000-2001	Good
3.	2001-2002	Good
4.	2002-2003	Average
5.	2003-2004	Report has not been recorded as per the letter received from Superintendent, Jail
6.	2004-2005	Average

3. It was concluded that the petitioner is not suitable for promotion to the post of Senior Assistant as out of last three ACRs, two of his ACRs have been marked ‘Average’ whereas they were required to be marked ‘Good’ for considering him for promotion. Subsequently, on 14.11.2005, the petitioner was served with a charge-sheet under Rule 8 of the Punjab Civil Services (Punishment and Appeals) Rules, 1970 for drawing excess salaries/wages to the prisoners working in the Central Jail, Amritsar and drawing excess amount from the Govt. Treasury by giving bogus names. Ultimately, it was found that the petitioner has caused a financial loss of Rs.87,678/- and order of recovery of Rs.21,634/- was passed against the petitioner. Learned counsel representing the petitioner admits that the aforesaid order has become final in the absence of further challenge.

4. Keeping in view the aforesaid facts, this Court does not find it appropriate to exercise its writ jurisdiction.

5. Hence, dismissed.

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

02.05.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE