

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 26833 of 2014

Date of Decision: 18.01.2023

Manohar Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Manjit Singh Uppal, Advocate
for the petitioner(s).

Mr. Gurpreet Singh, Additional Advocate General,
Punjab, for the respondent No.1 to 3.

Mr. R.K.Girdhar, Advocate
for the respondent No.4.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of a writ in the nature of certiorari to quash the promotion order dated 15.10.2013 passed by the Deputy Commissioner, Moga, while promoting the respondent No.4- Sh.Vinod Kumar.

2. The petitioner claims that he was entitled to the promotion in preference to respondent No.4 who ranks below in the seniority list as compared to the petitioner.

3. On the other hand, the learned State counsel has filed a detailed written statement submitting that the case of the petitioner for promotion was considered by the appropriate authority but he failed to achieve the minimum benchmark as per the instructions.

4. It would be noted here that subsequently, the petitioner has

already been promoted to the post of Senior Assistant in the year 2020.

5. After having heard the learned counsel representing the parties, this Court is of the considered view that the disputed questions of facts that arise for consideration in this case, are as under:-

- i) Whether the below average Annual Confidential Report (ACR) with respect to the year 2007-08 was ever conveyed to the petitioner or not? On the one hand, the petitioner claims that it was never conveyed to him, however, on the other hand, the official respondent, in para 12 of the written statement, positively, asserts that the same was conveyed to the petitioner vide letter dated 26.12.2008.
- ii) The petitioner claims that he has already submitted the self-appraisal report for the year 2010-11 and 2011-12 in the prescribed format, however, the respondent-State has denied the submission of the same.

6. The aforesaid disputed questions can only be decided by a regular Court after giving an opportunity to the parties to prove their respective stands.

7. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

January 18, 2023
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No