

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

CWP-27320-2015 (O&M)

Date of decision: 12.01.2023

Dr. Leena Mahajan

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Garg, Advocate for
Mr. P.K.Dwivedi, Advocate for the petitioner

Mr. Charanpreet Singh, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for the issuance of a writ in the nature of Certiorari to quash the order dated 03.02.2011 (Annexure P-2) whereby the petitioner has been granted the benefit of placement in the higher pay scale w.e.f 01.01.2003 instead of 01.01.2000.

2. As per the instructions issued by the Government, the procedure for assessing the work and conduct for placing an employee in the higher scale is required to be assessed in the following manner:-

“5. The procedure for assessing the work and conduct for placement in the higher scale shall be the same as applicable to a case of promotion. The placement in higher scale shall be allowed only to those employees whose overall service record during the span of satisfactory service, is adjudged as ‘Good’ and the employee is otherwise suitable for promotion. ‘Good’ record shall mean that more than 50% Annual Confidential Reports are good and out of last three years reports atleast two should be ‘Good’. For all the remaining years the bench mark may be ‘Average’.”

3. As per the chart depicting the petitioner’s Annual Confidential Reports (hereinafter referred to as ‘ACR’) from the year 1995-96 to 2007-08, he was never assessed as ‘Good’ between the years 1995-96 to 1999-2000. The said chart is extracted as under:-

Sr.No.	Year of Report	Grading
1.	1995-96	NRC
2.	1996-97	Special Report
3.	1997-98	Average
4.	1998-99	Average
5.	1999-2000	NRC
6.	2000-01	Good
7.	2001-02	Good
8.	2002-03	Very Good
9.	2003-04	Very Good
10.	2004-05	Very Good
11.	2005-06	Very Good
12.	2006-07	Very Good
13.	2007-08	Very Good

4. Learned counsel representing the petitioner contends that non-recording of ACR cannot be taken against the petitioner. He submits that the same is required to be treated as ‘Good’.

5. This Court has considered the submission made by the learned counsel representing the petitioner, however, finds no substance therein. The petitioner was placed on a higher scale w.e.f 01.01.2000 but as per the instructions of the Department, ACRs of previous three years were required to be examined before placing the employees on a higher scale, which would include ACR for the years 1996-97, 1997-98 and

1998-99. The petitioner was assessed as 'Average' in the year 1997-98 and 1998-99. Thus, he did not fulfill the Bench mark required to be fulfilled for placement on a higher scale (i.e of two 'Good' ACR reports out of the last three reports).

6. Keeping in view the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

7. Hence, dismissed.

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

12.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE