

131

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20974-2023 (O&M)
Date of Decision: 19.09.2023

Arvind Parkash Verma

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Avinith Avasthi, Advocate,
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. By way of present petition, the petitioner has assailed the action of the respondents in ignoring his candidature for promotion to PCS (Executive Branch) and assails the procedure of the Selection Committee.
2. Learned counsel for the petitioner submits that the Selection Committee was required to look into the service record of the last 5 years, and the petitioner has an immaculate service record for the last 5 years. The Selection Committee has however looked into earlier record and denied the petitioner's claim for consideration of promotion in PCS (Executive Branch).
3. Learned counsel has taken this Court to the provisions of the Rules governing the procedure of selection as amended by the Gazette notification dated 28.07.2011 to submit that the service record of the petitioner was required to be considered for the last 5 years.

4. I have considered the submissions and find that the petitioner was considered by the Selection Committee and his name finds place at serial number 13 in the list. However, the service record of the petitioner as mentioned against his name, states as under:

- “1. Adverse remarks dated 27.11.1991*
- 2. Adverse remarks dated 22.1.1996*
- 3. Warning letter dated 18.2.1998*
- 4. Censure letter dated 21.9.2000*
- 5. Adverse remarks dated 17.12.2003*
- 6. Adverse remarks dated 12.7.2004*
- 7. Stoppage of one annual increment without cumulative effect dated 19.7.2004*
- 8. Stoppage of one annual increment without cumulative effect by departmental charge sheet dated 29.11.2006 which was finalised on 19.05.2015. As per record received to year 2013 from Personnel department vide letter No.3/10/2013 2PCS/7PCS/337 dated 11.04.2022 page no. 388-389, the currency of penalty lasted till November 2016.*
- 9. Departmental charge sheet dated 2.2.2011 which had been filed in 29.9.2017*
- 10. Suspended under vigilance case no. 27 dated 19.9.2008 but acquitted by Hon'ble Special Judge Ludhiana, vide order dated 25.3.2019. Suspension period treated as duty*
- 11. Departmental inquiry dated 16.11.2011, which had been filed vide letter dated 22.12.2015*
- 12. He was promoted to the post of DRO from the date 15.05.2018 vide letter dated 03.11.2020*
- 13. Vide his application dated 12.04.2021, he was promoted from 20.08.2014 instead of 15.05.2018.”*

5. Rule 9 of the Punjab Civil Services (Executive Branch) (First Amendment) Rules, 2011 for selection of candidates for register A-1, mentions as per Rule 9(5) as under:

“(5)The list of eligible persons submitted under sub-rule (4) alongwith the service records of the candidates, shall be forwarded by the

Government to the Commission. The Commission shall make selection on merit-cum-seniority basis by adopting a procedure similar to that being followed by the Union Public Service Commission for the elevation of officers of State Service to All India Services by associating two representatives of the State Government, one serving as Secretary, Personnel and General Administration and the other senior IAS officer nominated by the Chief Secretary to Government of Punjab”

6. In view of above, the Selection Committee is required to adopt the procedure similar to that being followed by the UPSC for elevation of officers of State service to All India Service. The procedure being followed for elevation of officers of State service to All India Services is on the basis of selection, and overall service record is required to be looked into with special preference to the performance of the officers during the last 5 years.
7. Thus, the Selection Committee would not ignore the earlier service record. It would of course give special preference to the performance of the officer during the last 5 years.
8. Keeping in view the service record of the petitioner, this Court is satisfied that the Selection Committee cannot be said to have erred in looking into his earlier service record even if the petitioner has performed well during the last 5 years.
9. This Court would not substitute its opinion to that of the opinion of the Selection Committee. The only aspect which this Court examines in such matters of promotion and consideration for promotion are whether the Selection Committee has considered the case of the petitioner or not.

10. Taking into consideration that the Selection Committee has taken into consideration the case of the petitioner and has adopted the same criteria for all the candidates, no interference of this Court is warranted.
11. Accordingly, the present writ petition stands *dismissed*.
12. Pending application(s), if any, also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 19, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |