

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

LPA-98-2021 (O&M)
Decided on 16.01.2024

Director/ Commissioner, Department of
Technical Education and Industrial Training,
Punjab and another

... Appellants

Versus

Dhanpat Raj and another

... Respondents

**CORAM: HON’BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON’BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr. Rohit Bansal, Senior DAG, Punjab

Mr. R.Kartikeya, Advocate for respondent No.1

Mr. Rishi Kaushal, Advocate for respondent No.2

AMAN CHAUDHARY, J.

1. The instant intra-Court appeal, under Clause X of the Letters Patent has been filed against the judgment dated 01.07.2019, vide which the civil writ petition preferred by respondent No.1 came to be allowed.
2. The learned Single Judge has allowed the writ petition taking into consideration that 25 officials were promoted on the basis of the overall record of their ACRs to be ‘good’, a specific reference has been made to one Amrik Singh, promoted against a Roster point, who had two ‘good’ ACRs, which even the petitioner-respondent had, besides recording of the remarks “sincere and hard worker”. Moreover, no response was also received to the query raised by the Court regarding the import of the aforesaid remarks, as has been specifically observed in the impugned judgment, to the effect that learned State counsel had failed to give any satisfactory parameter to describe the ACR in question as ‘average’ or merely ‘good’. The submissions of learned counsel for the appellant that petitioner-respondent had not challenged the minutes of review DPC and he could

not be allowed to claim parity with others, who had similar ACRs as him and wrong benefits granted to someone cannot entitle him the same, are not tenable inasmuch as there is nothing that has been shown even before this Court as to how the benefit granted to them was wrong and the steps taken to undo the same.

3. The right that enured to the petitioner-respondent having been wrongly taken away while being granted to similarly circumstanced persons was an arbitrary action and for no fault of his, could he be denied the difference of salaries, as it was the appellants, who had prevented him from performing the duties of the post from the date he became entitled for promotion as HOD (Mechanical Engg.). Once the action of the Department was found to be not sustainable, the consequential benefits were rightly made to flow, given the peculiarity of facts and circumstances of the case.

4. In wake of the above, the present appeal being without any substance, is hereby dismissed. The appellant-Department is directed to release the benefit within 6 weeks and inform this Court, accordingly.

5. Pending applications, if any, shall be rendered as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

16.01.2024
ashok/gsv

Whether speaking / reasoned: YES / NO
Whether Reportable: YES / NO