

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-17978-1999 (O&M)

Decided on: 23.07.2024

Ram Kumar Gupta since deceased, represented through LRs

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Suman Jain, and Mr. Rishabh Jain, Advocates
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana

AMAN CHAUDHARY, J.

1. The grievance of the petitioner is that he has not been granted selection grade due from 01.04.1992 on account of the fact, as revealed from Annexure P-1, that his claim along with others for said benefit was kept reserved, pending enquiry.

2. The written statement, however, records a different reason for not granting him the selection grade, it being his ACR for the year 1993-94 wherein he was marked as average, with comment 'integrity doubtful', which is in teeth of the judgment in the case of **Mohinder Singh Gill vs. Chief Election Commr.**¹, as no new ground by way of an affidavit or otherwise, can be taken other than the one which is originally made the basis for rejection.

3. Further submission of the learned State counsel that the relevant date on which he was considered i.e. 01.10.1994, is untenable, inasmuch as, since the selection grade was to be granted w.e.f. 01.04.1992, thus, essentially in the facts and circumstances of this case, his service as on that day was to be seen, thus, the

¹ (1978) 1 SCC 405.

ACR referred to above, even otherwise, would not have hampered his case. As such, if any enquiry was pending, his right for consideration could not be curtailed, but the result could be kept in a sealed cover, as held in **Union of India vs. K.V. Jankiraman**². Nevertheless, the proceedings culminated in mere issuance of a warning, which being not a statutory punishment, can also not come in his way.

4. As a sequitur thereof, the present petition is allowed. The respondents are directed to grant selection grade to the petitioner w.e.f 01.04.1992. Needful be done within a period of two months from the date a certified copy of the judgment is received by them.

5. Pending applications, if any, stand disposed of.

23.07.2024

M.Kamra

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

² 1991 (4) SCC 109.