



CWP-5640-2020 (O&amp;M)

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

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CWP-5640-2020 (O&amp;M)

Date of Decision :21.05.2024

Sat Narain

...Petitioner

**Versus**

**Additional Chief Secretary (Department of  
Revenue and Disaster Management) and others**

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vipin Pal Yadav, Advocate for the petitioner.

Mr. Vibha Tewari, AAG, Haryana.

\* \* \*

**Harsimran Singh Sethi, J. (Oral)**

Present petition has been filed with a prayer that the petitioner be granted the benefit of promotion to the post of Deputy Superintendent and, thereafter, Superintendent and Tehsildar keeping in view the fact that the adverse record on the basis of which the petitioner was superseded, has already been set aside by the trial Court.

Learned counsel for the respondents on the other hand submits that promotion of the junior of the petitioner was made on 04.03.1998, which promotion was challenged by the petitioner by way of filing a **CWP-6112-1998, titled as Satya Narain vs. State of Haryana and others**, which petition was dismissed by this Court on 04.12.2000 hence, once, the claim of the petitioner qua the said promotion has already been decided, no second

...it petition is maintainable.



Learned counsel for the respondents further submits that even otherwise, in the civil litigation, only the annual confidential report of the year 1987-88 has been set aside whereas, at the time of promotion, record for a period of last 10 years i.e. up to the year 1998 was seen and as the adverse remarks in the ACR for the years 1995-96, 1996-97 and 1997-98 still remains hence, the benefit of promotion on the said posts has been denied to the petitioner.

I have heard learned counsel for the petitioner and have gone through the record with their able assistance.

Once, four ACRs of the petitioner with adverse remarks were available at the time when the claim of the petitioner was rejected in the year 1998 and his junior was promoted and due to said adverse reports, the petitioner could not be promoted on the post in question. Merely that one adverse report out of the said 04 adverse reports, has been set aside by the trial Court, the same will not make any difference qua the eligibility of the petitioner to claim benefit of promotion in preference to his junior.

Further, promotion of the junior of the petitioner has already been upheld by this Court and once, the said promotion has already been upheld in the earlier litigation initiated by the petitioner, the petitioner cannot be granted any benefit so as to revert the said junior in order to give benefit of promotion to the petitioner.

Even otherwise, the adverse reports of the petitioner are still available on record which would justify the action of the respondents in not treating the petitioner eligible for promotion on the post in question ahead of

his junior.



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Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

May 21, 2024 (HARSIMRAN SINGH SETHI)  
aarti JUDGE

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