



CWP-12752-2021(O&amp;M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP-12752-2021(O&M)  
Date of Decision :29.11.2024

Sukhwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek Sharma, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

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

In the present petition, grievance being raised by the petitioner is that some of the Annual Confidential Reports of the petitioner are taken to be adverse but the same have not been conveyed to the petitioner hence, the consideration of the claim of the petitioner on the basis of the said Annual Confidential Reports are liable to be set aside keeping in view the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.7631-2002, titled as Dev Dutt vs. Union of India and others, decided on 12.05.2008.**

Learned counsel for the respondent-State submits that Annual Confidential Report of the year 2018-2019 has already been conveyed to the petitioner by registered post dated 12.12.2019, which fact is being disputed by the petitioner keeping in view Annexure P/3, which is the report of the officer approving the Annual Confidential Report.

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

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Once, the report has been taken into account and the petitioner was not found to be fit for promotion, the only remedy available with the petitioner was to file representation against the unconveyed Annual Confidential Report for the year 2018-2019. The respondents are stating that they have conveyed the same whereas, the said fact is being disputed by the petitioner hence, the said disputed issue can be resolved by directing the respondents to convey the said Annual Confidential Report for the year 2018-2019 to the petitioner within a period of 02 weeks from the date of receipt of copy of this order. In case, the petitioner feels aggrieved against the said Annual Confidential Report, he can file representation for the upgradation of the said Annual Confidential Report.

The respondents are directed that in case, any such representation is filed by the petitioner, due consideration will be given to the said representation and speaking order be passed on the same and in case, the authority concerned comes to the conclusion that the Annual Confidential Report is to be upgraded, the same be taken into account for evaluating the claim of the petitioner for promotion otherwise, decision of the authority concerned qua the representation of the petitioner be conveyed to the petitioner for his information and necessary action.

Present petition is disposed of in above terms.

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

**November 29, 2024**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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