



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(253)

CWP No. 18193 of 2020 (O&M)

Date of Decision : 13.08.2024

Jaswinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parveen Garg, Advocate for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the grant of the ACP in favour of the petitioner has been deferred vide impugned orders Annexures P-3 and P-4 dated 27.03.2010.

2. Learned counsel for the petitioner submits that there was no impediment in the release of the ACP from the year 1999 and 2004, whereas the said benefit has been extended to the petitioner from the year 2003 and 2008 respectively.

3. Upon notice of motion, the respondents have filed the reply. The respondents in their reply have mentioned that the suitability of a candidate has to be adjudged on the basis of the Instructions dated 17.04.2000 (Annexure P-1), according to which, an employee should have more than 50% good report and out of the last three reports, two should be good whereas, the chart detailing the Annual Confidential Report of the petitioner as mentioned in paragraph 4 shows that the petitioner did not have two good reports in the year 1998-1999, which is the ground to deny the petitioner the



benefit of ACP from the year 1999, hence the next ACP has accordingly been extended to the period 2008.

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

5. From the record of the petitioner, which has been depicted in the reply, it is clear that in the year 1999 the petitioner was not eligible for the grant of ACP as his report for the year 1997-1998, 1998-1999 and 1999-2000 is average and the petitioner did not have two good reports in the year 1999 and he only qualified for the same in the year 2003 from which date the benefit has already been extended. The next ACP is to be given after an expiry of four years of the grant of Ist ACP, which has also been granted from the year 2008. It is only because of the record of the petitioner Ist ACP could not be granted from the year 1999 keeping in view the Instructions dated 17.04.2000 (Annexure P-1), according to which the benefit has to be extended.

6. No grievance can be made by the petitioner qua the change of the date of the grant of Ist ACP from the years 1999 to 2003 and second ACP from the years 2004 to 2008 keeping in view the record of the petitioner.

7. No ground is made out for any interference by this Court in the present petition and the same is accordingly dismissed.

8. Pending miscellaneous application, if any, also stands disposed of.

August 13, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No