

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

MALKIAT SINGH**Petitioner**

VERSUS

STATE OF PUNJAB AND OTHERS**Respondent(s)**

Present: Mr. R.K Arora, Advocate for the petitioner.
Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioner submits that the petitioner had filed earlier petition challenging the rejection of his claim in CWP No.4388 of 2011, which petition was decided by the Co-ordinate Bench of this Court on 06.09.2019, copy of which has been appended as Annexure P-7 wherein, the respondents were directed to communicate all the ACRs to the petitioner and in case, any representation is filed by the petitioner, a fresh order is to be passed on the said representation and thereafter, consider the

consider the claim of the petitioner for the post of Principal in PES-II (Group-A) Cadre.

Learned counsel for the petitioner submits that without even passing an order on the representation filed by the petitioner for upgradation of his ACR, the respondents by simply mentioning that the ACR cannot be revised at this stage, have again rejected the claim of the petitioner by passing an impugned order dated 08.10.2020 (Annexure P-11), which itself amounts to contempt of court.

Learned counsel for the petitioner further submits that there is a discrepancy in the impugned order as, in the impugned order, the ACR of the petitioner for the year 2003-2004 has been mentioned as “*Below Average*” whereas, in the earlier order passed by the respondents, copy of which has been appended as Annexure P-4, the ACR for the year 2003-2004 has been mentioned as “*Very Good*”, which shows that there is a factual error somewhere either in the order Annexure P-4 or in the impugned order dated 08.10.2020 (Annexure P-11). Similar kind of discrepancy is evident from the record for the ACR of the year 2001-2002.

After seeking instructions, the learned State counsel submits that the impugned order dated 08.10.2020, copy of which has been appended as Annexure P-11 be treated as withdrawn with liberty be given to pass a fresh order by examining the representation of the petitioner for upgradation of his ACR first and thereafter, to decide his claim of the petitioner for promotion to the post of Principal in PES-II (Group-A) Cadre by passing an appropriate speaking order.

Learned State counsel submits that even the discrepancy being pointed out qua the ACRs for the year 2001-2022 and for the year 2003-2004 will also be looked into by passing the appropriate fresh order.

Learned counsel for the petitioner submits that as the impugned order dated 08.10.2020 (Annexure P-11) has been withdrawn with liberty to pass the fresh order, the present petition has been rendered infructuous and the same may kindly be disposed of as such.

Let the respondents pass appropriate fresh order on the representation of the petitioner qua upgradation and thereafter for consideration of the promotion of the petitioner to the post of Principal in PES-II (Group-A) Cadre within a period of eight weeks from the receipt of copy of this order.

Ordered accordingly.

Pending application, if any, also stands disposed of.

14-10-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO