

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

CWP No.23499 of 2019 (O&M)

Date of Decision:10.04.2024

Raj Kumar and Another

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Rana, Senior Advocate with
 Ms. Niharika Singh, Advocate
 for petitioner No.1.

 Mr. Gaurav Mohunta, Advocate and
 Mr. Satyendra Kumar, Advocate
 for petitioner No.2.

 Mr Tapan Kumar Yadav, DAG, Haryana.

 Mr. Kanwal Goyal, Advocate and
 Ms. Sheena Dahiya, Advocate
 for the respondent-HPSC.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that they were eligible for promotion to HCS-Executive staff but they have been treated ineligible on the basis of their Annual Confidential Reports (ACRs) which were considered.

2. Learned senior counsel submits that as the selection was being made in the year 2019 and ACRs for previous 08 years were to be seen, the petitioners were ousted for promotion on the ground that they do not have six “very good” ACRs to their credit, which was the minimum eligibility required for consideration for promotion to HCS-Executive. Learned senior counsel further submits that confidential record which has been relied upon,

which is now being treated adverse to the petitioners, were never given to them so as to make a representation for upgradation of the same.

3. Learned senior counsel for the petitioner submits that in case of petitioner No.1, one of his entry which was “outstanding” for the period 2015, was downgraded in the year 2019 only against which no opportunity has been given to petitioner no.1 to make any representation. Learned senior counsel appearing on behalf of the petitioners further submits that the petitioners intend to make representation for upgradation of the said ACRs to the competent authority so that, they be treated eligible in all respects and the respondents be directed to decide the said claim in a time bound manner so that the petitioners do not suffer any prejudice.

4. Learned counsel for the respondents submits that in case any claim is received from the petitioners qua upgradation of their Annual Confidential Report(s), the said claim will be considered keeping in view the rules governing the service and appropriate orders will be passed within a period of 03 months and in case, the plea raised is found to be feasible to be accepted, the same will be accepted otherwise, due reasons will be given in the speaking order for not accepting the claim of the petitioners.

5. Learned counsel for the petitioners submit that keeping in view the said statement, the present petition may kindly be disposed of, as having been not pressed with liberty to approach to respondent(s) by filing an appropriate representation.

6. Ordered accordingly.

10th April, 2024

Sonia Puri

(HARSIMRAN SINGH SETHI)
JUDGE

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