



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

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CWP-3530-2018

Date of decision : 04.12.2024

Kushal Singh Pathania

.....Petitioner

V/S

Punjab State Power Corporation Ltd. and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Abhilaksh Grover, Advocate for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, quashing the order dated 15.12.2017 (Annexure P-8), passed by respondent No.3, whereby the claim of the petitioner for grant of time bound promotional scale on completion of 16 years of service has been rejected.

2. One of the ground on which the petitioner has been denied the time bound promotional scale on completion of 16 years of service is that two of his ACRs for the period 10.12.2001 to 31.03.2002 and 01.04.2002 to 31.03.2003 were average. It has also been stated in the impugned order itself that the said average report were not required to be communicated. The said stand of the respondents is in violation of the law laid down by Hon'ble Supreme Court in ***Dev Dutt Vs. Union of India and others : 2008(3) S.C.T. 429***, wherein it has been held that every entry in the ACR of the public servant must be communicated to him within a reasonable period whether it is a poor, fair, good or very good entry.



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3. Since the non-communication of ‘Average’ remarks entry in the ACRs in question has adversely affected the claim of the petitioner, which has been rejected by the respondents after considering his ACRs in question, therefore, in view of the settled proposition of law laid down by Hon’ble Apex Court in *Dev Dutt’s case (supra)*, which mandates communication of every ACR entry to public servant, the above action of the respondents for non-communicating the ACR remarks to the petitioner is held arbitrary and as such, violative of Article 14 of the Constitution of India.

4. Consequently, the present petition is partly allowed and the impugned order dated 15.12.2017 (Annexure P-8) is quashed and set aside. The respondents are directed to communicate the abovesaid two average reports to the petitioner within a period of one month and the petitioner shall be at liberty to make representation against the said average reports within a period of one month thereafter and the respondents shall consider the said representation and take a final decision on the same. On the basis of the said final decision, the claim of the petitioner for grant of 16 years time bound promotional scale shall be considered and further consequential consideration for the post of Executive Engineer shall take place within a period of two months thereafter.

04.12.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No