

**CWP-15603-2000 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****109****CWP-15603-2000 (O&M)****Date of Decision: 02.04.2025****Daya Nand****...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Johan Kumar, Advocate for the petitioner

Mr. Raman Sharma, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondent to promote him to the rank of Inspector from the date his juniors were promoted.

2. Mr. Johan Kumar, Advocate appeared and filed his Power of Attorney on behalf of the petitioner. The same is taken on record. Registry is directed to tag the same at an appropriate place.

3. The petitioner joined Haryana Police Force as Constable on 18.01.1966. He passed Lower School Course on 17.03.1974 and was confirmed as Head Constable on 15.03.1979. He passed Intermediate School Course in September' 1981 and was promoted as Assistant Sub-Inspector on 10.06.1982. He was confirmed as Assistant Sub-Inspector on 01.01.1986. He passed Upper School Course in March' 1986 and was enlisted in List 'E' w.e.f. 05.07.1988. He was confirmed as Sub-Inspector w.e.f. 31.01.1993.



His juniors came to be promoted as Inspectors in August' 1998. He preferred *CWP No.5952 of 1999* before this Court which was disposed of with a direction to respondent to decide his representation. He submitted representation but to no avail.

4. Mr. Johan Kumar, Advocate submits that the petitioner was having more than 70% good Annual Confidential Reports (for short 'ACR') still he was not promoted. He has retired as Sub-Inspector in 2002 on attaining the age of superannuation.

5. Mr. Raman Sharma, Additional Advocate General, Haryana submits that the petitioner was considered for promotion in 1998, 1999, 2000 and 2001, however, every time he was rejected because of average or below average ACRs as well as punishments awarded to him. On many occasions, he was awarded punishment of censure and in 1996, his one increment was stopped. In his ACR for the period from October' 1999 to March' 2000, it was recorded that he is '*corrupt, careless and irresponsible officer*'.

6. The petitioner has already retired on attaining the age of superannuation and from the perusal of record, it is evident that he was not having good ACRs and unblemished service record. He was subjected to punishment on many occasions including forfeiture of one increment. In his ACR for the period from October' 1999 to March' 2000, he was reported as corrupt, careless and irresponsible officer. This Court in exercise of power under Article 226 of the Constitution of India cannot direct the respondents to promote such a person with retrospective effect.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.
8. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

02.04.2025

Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No