



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

202

CWP-215-2002 (O&M)
Date of decision: 22.01.2025

Ram Dayal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Mr. Charanpreet Singh, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for directing the respondents to consider the petitioner for promotion to the post of Assistant Registrar, Cooperative Societies, Punjab w.e.f. 04.05.2001.
2. The stand taken in the written statement dated 06.09.2002, to which there is no rebuttal by filing rejoinder, reads thus:

“ 7. In reply to this para it is submitted that it was felt necessary to fill up these newly created vacant posts of Assistant Registrar Cooperative Societies (occupied by Inspectors Cooperative Societies holding current duty charge of the posts of Assistant Registrar Cooperative Societies in view of the ban imposed on promotions by Government vide instructions dated: 28.11.1997) at the earliest. Apart from this 3 posts of Additional Registrar Cooperative Societies, 4 posts of Joint Registrar Cooperative Societies and 25 posts of Deputy Registrar Cooperative Societies were to be filled by way of promotion in public interest. Therefore, a meeting of Departmental Promotion Committee headed by Financial Commissioner Cooperation to consider promotions of



Additional Registrars /Joint Registrars and Deputy Registrars was held on 15.3.2001 and 20.3.2001 respectively. To consider the promotions of Assistant Registrar Cooperative Societies a notice for meeting of DPC on 10.4.2001 was issued by respondent No. 1 on 21.3.2001. The names of Inspectors from seniority No. 1 to 165 (including the petitioner and respondents No 4 to 8) were considered by DPC on 10.4.2001. The guidelines contained in the letter dated 29.12.2000 issued by the Department of Personnel were followed by Departmental promotion Committee while considering the promotion cases of Inspectors. According to these instructions annual confidential reports for 5 years were to be taken into consideration for promotion. In the case of promotion to Class I and Class II (now group A and group B) posts with pay scale of less than Rs. 12,000-16,350, the bench mark was 'good'. In other words, Inspectors who secure 10 marks on the basis of their last 5 ACRs were eligible for promotion to the post of Assistant Registrar Cooperative societies. As the promotions were made on the basis of seniority-cum-merit basis therefore, procedure given in para 1 (iii) of the instructions dated: 29.12.2000 (Annexure P-2) was applied for. In this meeting ACR's of Inspectors upto 31.3.2000 were taken into consideration because at the time of conveying the meeting and preparing the agenda note for DPC, only ACR's for the year ending 31.3.2000 were in record. If the ACR's for the year ending 31.3.2001 were to be considered then the department have to wait to convene the meeting of Departmental Promotion Committee for some months and very purpose of the sanctioning of new posts in the department was to be defeated. During consideration petitioner earned only 8 marks as his ACR's for the year 31.3.1996 and 31.3.2000 were average and other three for the year 31.3.1997, 31.3.1998 and 31.3.1999 were 'good'. Thus, he was not found fit for promotion to the post of Assistant Registrar Cooperative Societies in light of the instructions dated: 29.12.2000, Which is attached as annexure P-3 to the present Writ Petition

9. The contents of this para are admitted to extent that ACR's of all Inspectors included in the panel were taken into consideration from the year 31.3.1996 to 31.3.2000 and not upto 31.3.2001 as already stated in the paragraph No. 7. Inspectors included as private respondents No. 4 to 8 who secured 10 marks and above on the basis of their ACR's were recommended for promotion by Departmental Promotion Committee. The petitioner only earned 8 marks as his ACR for the years 31.3.1996 and 31.3.2000 were average' and for the years 31.3.1997, 31.3.1998 and 31.3.1999 were 'good'. Like others his ACR for the year 31.3.2001 was not taken into consideration as it was not recorded by the concerned authorities. This ACR which is assessed as 'Very Good' was



received by respondent No. 2 on 13.7.2001 much after the meeting of Departmental Promotion Committee. As service record of the petitioner was not upto the mark in light of the instructions dated: 29.12.2000 (Annexure P-3) therefore, his name was not recommended by Departmental Promotion Committee for promotion.

3. Disposed of reserving the petitioner with a liberty to get it revived, in case need arises.

(AMAN CHAUDHARY)
JUDGE

22.01.2025
M.Kamra

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