

2025-PHHC-179719



106

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

**CWP-11938-2020
DECIDED ON: 28.11.2025**

SURINDER PAL SINGH

....PETITIONER

VERSUS

NATIONAL FERTILIZERS LTD. AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Bikram Tikka, Advocate
for the petitioner.

Mr. Ashwani Talwar, Sr. Advocate with
Mr. Deepak Goyat, Advocate and
Mr. Nikhil Sehrawat, Advocate
for the respondents.

SANDEEP MOUDGIL, J

Prayer

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *Mandamus* for setting aside the order dated 29.02.2020 (Annexure P-19), whereby the time bound cluster based promotion of the petitioner has been refused to him.

Contentions

On behalf of the petitioners

2. Learned counsel for the petitioner submits that the petitioner has been serving National Fertilizers Limited (NFL) since 1995 with diligence and

dedication, often working double shifts due to a severe shortage of staff in his department. Despite this, the petitioner was denied overtime pay and only granted compensatory or earned leave, contrary to company rules and consistent with the treatment given to other employees performing extra duty, such as drivers of the CMD. It is submitted that when the petitioner formally sought his lawful dues in December 2016, he was met with threats, intimidation, and eventually a malafide transfer midterm to Vijaipur Unit, M.P., during his approved leave. This transfer was arbitrary, in violation of NFL's own transfer policy, and intended to punish the petitioner for asserting his legal rights. This Court in CWP No. 467 of 2017, has already quashed this transfer, holding it illegal and arbitrary.

3. Counsel further contends that following this, the petitioner was subjected to vindictive actions, including issuance of a memorandum and charge sheet, without just cause. His Annual Confidential Reports (ACRs), which were consistently good and outstanding, were deliberately downgraded post his challenge to the transfer, resulting in denial of his time-bound cluster promotions. This adverse action is arbitrary, malafide, and directly attributable to his lawful assertion of rights. It is also submitted that the petitioner has repeatedly requested allocation of work relevant to his duties but has been denied work, causing financial loss to himself and the organization.

4. Learned counsel for the petitioner submits that the petitioner, having studied only up to the seventh class and being unversed in computer operations, could not have independently accessed the online APAR portal for the year ending 31.03.2019, and it was incumbent on the respondents to have specifically informed him about the review window. The petitioner was never made aware of his APAR/ACR grades prior to this, thereby denying him any opportunity to seek

review. It is further submitted that the respondents have misrepresented material facts regarding disciplinary actions; while they claim the petitioner was awarded major punishment of reduction of two increments, the departmental appellate authority itself reduced it to one increment with cumulative effect, and the petitioner has challenged this action before this Court in CWP No. 14666 of 2017. Similarly, charges based on a complaint dated 29.05.2018 were found baseless, as most complainants disowned the allegations, and the enquiry against the petitioner was consequently dropped.

5. Learned counsel also submits that the petitioner has extensive experience in operation and handling of WDS-4 Locomotives, having undergone formal training and successfully completed certification, yet the respondents have allocated only 12 marks out of 24 for experience, whereas he is entitled to 20 marks. Furthermore, following the quashing of his transfer to Vijaipur Unit, M.P., by this Court on 13.01.2017, the petitioner was deliberately left idle during 2017–2018 and was not allocated work commensurate with his training and designation, which prevented him from performing his duties and adversely affected his APAR/ACR. Learned counsel contends that in such circumstances, the respondents cannot justify downgrading the petitioner's APAR/ACR, as an employee deprived of proper work cannot be fairly assessed, and the petitioner, having sought allocation of appropriate duties, deserved an outstanding appraisal.

On behalf of respondents

6. Learned Senior Counsel for the respondents submits that the petitioner, who is currently working as Sr. Loco Assistant in W-5 pay scale, is not entitled to promotion to W-6 pay scale w.e.f. 01.01.2020 as per the promotion

policy of the Company and its subsequent amendments. While the policy provides for time-bound placement for employees not meeting grade-to-grade specifications, including under-matric employees, the petitioner was considered for promotion after completing six years in W-5 scale and evaluated strictly in accordance with seniority-cum-fitness criteria. The system of evaluation includes assessment of ACRs (40 marks), educational qualifications (10 marks), and experience (20 marks), with a minimum requirement of 40 out of 70 marks. The petitioner, having secured less than the minimum required marks, could not be considered eligible, and the letter dated 29.02.2020 informing him of the factual position is valid, legal, and sustainable.

7. Learned Senior Counsel further submits that the petitioner's prayer for rectification of APARs for 2017-18 and 2018-19 is not maintainable. The APARs are prepared through an elaborate process involving reporting and accepting authorities, and the petitioner had an opportunity to seek review of the APAR for 2018-19 through the online portal, which he failed to do within the stipulated period. No grounds have been raised in the writ petition that would justify any review or rectification. There is no allegation of bias or malafide against any authority, and no officer has been impleaded as a party.

8. It is also submitted that the petitioner's various averments regarding past service, training, idle periods, and alleged harassment are irrelevant to the core issues raised in the petition. The petitioner has failed to meet the eligibility criteria for promotion, and the prayers for promotion and rectification of APARs are accordingly not maintainable. Learned Senior Counsel further submits that if deemed appropriate, the petitioner may be directed to file a fresh petition strictly confined to the legal issues and prayers raised.

Analysis

9. Upon careful consideration of the instant petition, the submissions of learned counsel, and the material on record, it is clear that the petitioner has not made out any case for interference. The claim for promotion to the W-6 pay scale was evaluated strictly in accordance with the Company's promotion policy and its amendments, which prescribe assessment based on ACRs (40 marks), educational qualifications (10 marks), and experience (20 marks), with a minimum of 40 out of 70 marks required for eligibility. The petitioner failed to secure the requisite marks at the time his case was considered, and the respondents' decision declining promotion was therefore based on objective criteria and cannot be deemed arbitrary, discriminatory, or malafide.

10. Similarly, the petitioner's request for rectification of APARs for 2017-18 and 2018-19 is not maintainable. The APARs are prepared through a structured process involving reporting and accepting authorities, and the petitioner had the opportunity to seek review of the 2018-19 APAR through the prescribed online portal within the stipulated period, which he did not avail. This Court is of the opinion that no grounds have been demonstrated by the petitioner that would justify interference by this Court under Article 226/227 of the Constitution of India, and there is no evidence of bias or malafide on the part of any officer involved in the appraisal process.

Conclusion

11. In these circumstances, the petitioner has not established any legal or factual basis to challenge the denial of promotion or seek review of APARs. The respondents' actions were in accordance with policy, objectively grounded, and

legally sustainable. The writ petition is, therefore, devoid of merit and is dismissed in its entirety, with no order as to costs.

12. Accordingly, the writ petition is devoid of merit and is liable to be dismissed.

13. Pending application(s), if any shall disposed off.

28.11.2025
sham

(SANDEEP MOUDGIL)
JUDGE

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