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

CWP-19012-2016

Date of Decision : 12.12.2025

ARVINDER SINGH BAKSHI

.....Petitioner

VERSUS**STATE OF PUNJAB AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.S.Bains, Sr. Advocate assisted by
Mr. Anmoldeep Singh, Advocate and
Mr. Sarabjit Singh, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. The petitioner, who has since retired upon attaining the age of superannuation, has instituted the present writ petition assailing the noting dated 22.03.2016 issued by the Departmental Promotion Committee (hereinafter referred to as "D.P.C."), whereby, his request to consider his Annual Performance Appraisal Report (hereinafter, referred to as 'APAR') for the period 01.04.2014 to 31.03.2015 as null and void, in terms of the apposite government instructions, was rejected without assigning any cogent reasons. The petitioner further prays for issuance of directions to the respondent(s) to grant him promotion to the post of Chief Engineer by considering his APAR (*supra*) as null and void.
2. Before proceeding to adjudicate upon the legality of the impugned noting, and render a decision in the present writ petition, this

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Court deems it appropriate to delineate the factual background qua which there is no wrangle between the contesting litigants.

3. The petitioner was initially appointed as Sub Divisional Officer (S.D.O.) in the Department of Irrigation, Government of Punjab, in 1980. He was subsequently promoted as Executive Engineer in 2006, and thereafter, as Superintending Engineer in 2012. Further, in the year 2016, the petitioner became eligible for consideration for promotion to the post of Chief Engineer, being the senior-most Superintending Engineer at that time. His case was considered by the D.P.C. in 2018, however, he was not promoted, as he secured 17.75 marks against the prescribed benchmark of 18 marks required for promotion to the post of Chief Engineer.

4. While seeking the relief, as sought through the present writ petition, learned senior counsel for the petitioner draws the attention of this Court to the Punjab Government Instructions dated 24.12.2003, and submits that, had the marks awarded to the petitioner (17.75 marks), been rounded off to 18 marks, i.e. the benchmark prescribed for promotion, the petitioner would have been eligible, and being the senior-most Superintending Engineer, would have been promoted as Chief Engineer.

5. Learned senior counsel further submits that, in accordance with the relevant departmental instructions, the petitioner's APAR for the period 01.04.2014 to 31.03.2015 ought to have been ignored while assessing his eligibility for promotion. Reliance is placed on instructions dated 15.09.2010, issued by the Department of Personnel, Government of

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Punjab, governing the procedure for communication of APAR grading. Paragraph 2(b) of these instructions stipulates that, while commenting on the report of the Reporting Authority, the Reviewing/Accepting Authority must not merely record “agreed,” but must specify with which authority’s assessment, i.e. Reporting or Reviewing, he concurs, and must also record reasons for any upgrading or downgrading. Paragraph 2(b) reads as under:

“2. (b) On the report of Reporting Officer, the Reviewing Officer/Accepting Officer while commenting on a report written of Reporting Officer, will not write (agreed) only, but will make it clear to whom means Reporting Officer or Reviewing Officer, he agrees. They will also record reasons for degrading/upgrading of the report.”

6. Furthermore, reliance is placed on instructions dated 18.06.2001, pertaining to the finalization of cases where grading in the Annual Confidential Reports (ACRs) are not recorded in accordance with prescribed norms. These instructions mandate that any such ACR grading not conforming to the applicable procedure shall be ignored, and for the corresponding period, the previous year’s report shall be taken into consideration. The relevant portion of the said instructions reads as under:

“2. Now, when the grading in the Annual Confidential report of the officers/officials is utmost important for the promotion/career progression policy, therefore it has been again stressed upon that it shall be ensured that evaluation of such grading which has to be given must be in lines with the reports given in the rest of the columns and grading shall be strictly as per instructions. Specified grading shall be recorded in the relevant column marked for grading in the annual confidential report form. In the earlier settled cases where the grading of the officers/officials is not recorded as per the Instructions. In those cases, considering the satisfactory report as good, is not as per the prevailing policy of the State Government. In such cases, the



grading given to the officers/officials in their annual confidential report shall have to be ignored and while considering the period of such confidential report, another confidential report of previous year shall be included. Similarly, in other cases where grading has not been recorded as the instructions and for the total period where grading in the confidential reports has not been recorded as per the Instructions or in lieu of annual confidential report of specified years where No-report-certificate/work and conduct certificate have been recorded, the available annual confidential reports of previous years shall be included and final decision shall taken on these reports.”

7. On the strength of the instructions (supra), learned senior counsel submits that the petitioner’s APAR for 2014–2015 should have been excluded from consideration, and his APAR for the preceding year should have been taken into account, thereby, entitling him to appropriate marks for consideration for his promotion.

8. Learned senior counsel in addition submits that a similarly situated junior officer, Jatinderpal Singh, was extended similar relief, as his APAR was ignored for not being recorded in consonance with the applicable instructions. In the petitioner’s case, the Reporting Officer and Reviewing Officer both graded him as Outstanding for the years 2014–2015, but the Accepting Authority, which according to the petitioner is the Minister in-Charge, merely recorded the word “seen”. Meanwhile, the Principal Secretary of the Department concerned, subsequently, downgraded the grading of the petitioner to “Very Good”, though he was not the Accepting Authority. It is submitted that, even if the Principal Secretary’s action is assumed valid, the Minister counsel was required to explicitly indicate with whose grading he concurred. His mere endorsement of “seen” fails to satisfy the requirements of the instructions

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dated 15.09.2010. Consequently, the petitioner's APAR for 2014–2015 is vitiated by procedural irregularities, and should have been disregarded while considering his case for promotion to the post of Chief Engineer.

9. Conversely, learned State counsel contends that the instructions regarding rounding off the marks of the petitioner, have no applicability to his case, as those instructions are confined to employees, who were appointed under the ward/widow quota of deceased government employees, who, though eligible for promotion under the relevant service rules, lack five valid ACRs for evaluation purposes. Accordingly, the petitioner cannot claim benefit under such instructions.

10. Thereupon, on dated 09.10.2025, when the matter was heard at length, this Court directed the learned State counsel, to have apt instructions, and to inform this Court regarding exact Accepting Authority in respect of the petitioner's APAR for the post of Superintending Engineer.

11. In deference to the aforesaid direction, on dated 03.11.2025, an additional affidavit of Ms. Rajbir Kaur, Under Secretary to Government of Punjab, Department of Water Resources, Punjab Civil Secretariat-II, Sector 9, Chandigarh, was filed by the learned State counsel, which was taken on record vide order of even date.

12. Learned State counsel submits that the In-charge Administrative Secretary was the Accepting Authority in respect to the Annual Confidential Reports (ACRs), pertaining to the Superintending Engineer, and in the present case the final report including the report of

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the petitioner, were sent to the Minister In-charge, just for information. Therefore, the Minister In-charge of the Department concerned, cannot be construed as a competent Accepting Authority of the ACRs of Superintending Engineers.

13. To substantiate the above, the learned State counsel has also placed reliance upon the “Standing Guide on Annual Confidential Reports,” issued by the Department of Personnel. The relevant part of which is extracted hereinafter:-

“(iii) The Minister-In-charge will be the accepting authority in regard to Additional Secretaries, Joint Secretaries, Deputy Secretaries, and Heads of Departments (all India service Officers). In respect of the Heads of Departments (other than all India service Officers), the Minister-In-charge will be the reviewing authority. In the case of other officers, the Minister-In-charge would normally be neither a recording nor an accepting authority. He would be competent, however, in any particular case, if he so chooses, to send for the personal file of an officer and record such remarks therein as he considers should be made on the basis of his personal knowledge.”

14. In view of the above, learned senior counsel for the petitioner has put the entire gamut of the matter in a narrow compass, i.e. Annual Performance Appraisal Report (APAR) of the petitioner for a period of 01.04.2014 to 31.03.2015, was not recorded in terms of instructions 15.09.2010. While drawing attention of this Court towards the APAR, it is submitted that the reporting officer, i.e. the Chief Engineer, Irrigation Works, Punjab, graded the petitioner as 'Outstanding (A+)' to which even the reviewing authority “Secretary, Irrigation” concurred, however, the the Principal Secretary, Irrigation, i.e. the Accepting Authority, downgraded the APAR of the petitioner to that of

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'Very Good (A)', without assigning any reason, which is an apparent contravention of the instructions. Not just that, the petitioner was not even communicated the said APAR at the relevant time, so as to enable him to submit any representation, which indeed has caused a grave prejudice to him.

15. For better appreciation of the above argument, let's have a glimpse upon the relevant extract of the instructions, as reproduced above.

16. In the wake of the position sketched out above, this Court vide an order dated 01.12.2025, directed the State to file a specific affidavit of the Principal Secretary concerned, as to whether, any reasons were assigned by the Accepting Authority, while downgrading the APAR of the petitioner. If yes, the same were communicated to the petitioner well in time or not, enabling him to represent thereagainst.

17. In deference to the direction (*supra*), learned State counsel has filed an additional affidavit of Mr. Krishan Kumar, Principal Secretary to Government of Punjab, Department of Water Resource, Punjab, today in Court, with a copy thereof supplied to learned counsel opposite. The same is taken on record.

18. The above affidavit clearly voices that while rating the petitioner as "Very Good", the then Principal Secretary, Irrigation, had not recorded any reasons in support of this remarks. It further reveals that the report was not communicated to the petitioner, separately. However, the reason assigned for non-communication of report, is that the petitioner

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himself sought the said APAR through the process of RTI application, and the said report was given to the petitioner on dated 30.10.2015, and thereafter, he preferred a representation praying therein, that his Annual Performance Appraisal Report (APAR), for the period from 01.04.2014 to 31.3.2015, may be deemed as null and void, and he may be promoted to the post of Chief Engineer. The said representation of the petitioner was considered, and it was decided at the level of the then Principal Secretary Water Resources, to await the outcome of the present writ petition.

19. From the above facts, three things clearly transpires: (i) no reason, whatsoever, was assigned, while downgrading the APAR of the petitioner; (ii) it was never communicated officially to the petitioner, inviting his representation against the said downgrading; (iii) even the representation which was submitted by the petitioner after making an effort to get the said APAR under RTI Act, has still not been decided and is pending consideration.

20. All the above, which are the clearly admitted facts reflects that the Standing Guide on Annual Confidential Reports (ACRs), which mandates upon the department to communicate and invite a representation has been completely flouted. Sub clause (viii) and (ix) of Clause 5 of the said Standing Guide is extracted hereinafter:-

(viii) Adverse remarks recorded in the Annual Confidential Reports should be communicated within a period of one month of the receipt of the Annual Confidential Reports.

(ix) A representation against adverse remarks can be made within a period of three months from the date of conveying of adverse remarks.

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21. In view of the above, this Court can safely conclude that the APAR of the petitioner, is required to be declared as null and void, and the department concerned is required to re-consider the entire matter afresh with regard to his promotion to the post of the Chief Engineer. Therefore, a *mandamus* is passed upon the Principal Secretary, Irrigation, to carry out necessary exercise in view of the observations (*supra*), and to take a final decision on the claim of the petitioner for promotion to the post of Chief Engineer.

22. Since the petitioner is awaiting the relief since the year 2016 therefore, the aforesaid exercise shall be carried within a period of eight weeks from the date of receipt of a certified copy of this order.

23. **Disposed of** accordingly.

December 12, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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