



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

137

LPA-1903-2025 (O&M)

Date of Decision: September 11, 2025

Jawahar Singh

.....Appellant (s)

Vs.

Haryana Agro Industries Corporation
Ltd. and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Johan Kumar, Advocate for the appellant (s).

Mr. Pankaj Middha, Addl.A.G. Haryana
for respondent No.1

ASHWANI KUMAR MISHRA J. (ORAL)

The appellant is aggrieved by non-consideration of his claim for promotion while promoting Madan Lal.

2. Learned Single Judge vide order dated 22.04.2025 has examined the grievance of the appellant and has found that the criteria for promotion under the certified standing orders, is with regard to qualification, seniority, ability, efficiency and general suitability. Instructions of the State Government have been relied upon, as per which 70% ACRs should be 'good' or 'very good' for claiming promotion. The appellant was employed in a Corporation and the applicability of Government instructions in the matter of promotion, is not doubted.

3. Facts of the case have been considered by learned Single Judge according to which, 33% ACRs of the appellant were either 'Average' or 'below Average'. The observations contained in para 7 and 8 of the judgment



of learned Single Judge, wherein this aspect of the matter is discussed, is reproduced hereinunder:-

“7. The petitioner is primarily claiming post of Mechanic on the ground that he was having better qualification than Madan Lal. As per petitioner, prime criteria is qualification and other factors are supplementary. Claim of petitioner is founded on reading of Rule 28 of Haryana Agro Industries Corporation Standing Orders and the said Rule is reproduced as below:-

CONDITIONS FOR PROMOTION OF WORKERS

Promotion to the workers shall be granted with due regard to qualification, seniority, ability, efficiency and general suitability.

8. From the perusal of above quoted Rule, it is evident that qualification is one of the criteria and petitioner is claiming that qualification is sole or prime criteria. Seniority, ability, efficiency and general suitability are equally important factors. The petitioner was having better qualification than Madan Lal, thus, as per qualification he was eligible for promotion prior to Madan Lal, however, respondent considered his ACRs and found that his 33% ACRs are ‘Average’ or ‘Below Average’. As per State Government instructions, 70% ACRs should be ‘Good’ or ‘Very Good’ for claiming promotion. The petitioner had right to be considered for promotion. By order dated 29.04.1996, this Court directed the respondent to consider him for promotion.

9. Promotion is part of service conditions. Every employee has right to be considered for promotion as it is part of Article 16 of the Constitution of India, however, he cannot claim promotion as a matter of right. The respondent as per direction of this Court has duly considered claim of the petitioner and found him unfit in comparison to Madan Lal. This Court does not find any factual or legal infirmity warranting interference with the impugned order.”



4. The only ground on which the appeal is pressed is that the marks in the test and interview have not been taken into consideration. It is also argued that appellant was falling in Group 'C' and was claiming promotion on technical post for which he had the qualification.

5. Be that as it may, once the criteria for promotion under the Government instructions is fixed, as per which 70% or above ACRs are required to be 'good' or above, and the appellant fails to meet such criteria, no exception can be taken to the decision of the employer in not promoting him. Even otherwise, it appears on record that during the year 1994-95, the integrity of the appellant was found doubtful. Madan Lal, on the other hand, was found suitable for promotion on relevant parameters. In terms of the certified standing orders as well as the applicable Government instructions, the satisfactory service of an employee is an essential condition for promotion and once the appellant fails to meet such requirement, no exception can be taken to the action of the respondents in ignoring the appellant's claim for promotion.

6. In view of the above, the appeal stands ***dismissed***.

7. Pending application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(RAMESH KUMARI)
JUDGE

September 11, 2025
sonia arora

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