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

CWP-5064-2026 with  
CM-4054-CWP-2026  
Date of decision: 02.04.2026

Kulbir Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. A.K. Viridi, Advocate  
for the applicant/petitioner.

Mr. Manan Bhardwaj, Advocate  
for the respondent(s).

**HARPREET SINGH BRAR, J. (ORAL)****CM-4054-CWP-2026**

The present application has been filed under Section 151 CPC for placing on record the resume of ACRs of the petitioner as Annexure P-17.

In view of the averments made in the application, the same is allowed and the resume of ACRs of the petitioner as Annexure P-17 is taken on record.

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1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing and setting aside the office order dated 04.12.2025 (Annexure P-1) passed by respondent No.1. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to grant deemed date of promotion at par with his juniors private respondents No.5 to 9 with all consequential benefits of fixation/re-fixation of pay, arrears of pay along with interest therein.



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2. Learned counsel for the petitioner *inter alia* contends that the petitioner was assigned seniority No.8820 in the Junior Engineer seniority list dated 15.05.2015 while the private respondents No.6 to 10 were juniors to the petitioner and assigned serial Nos.8822 to 8827. The private respondents were promoted to AAE vide office order dated 03.01.2017 but the petitioner's name was not considered due to pending charge sheets and non-receipt of ACRs as discernible from Annexure P-8. All pending charge sheets were eventually decided with a minor punishments i.e. censure/warning vide orders dated 23.03.2018, 06.07.2018 and 05.09.2018 (Annexures P-9 to P-12, respectively). Despite the charge sheets being decided, another junior was promoted on 27.09.2018 but the petitioner was again ignored. Several representations and legal notice were served upon the respondents which remained unheeded compelling the petitioner to approach this Court by filing CWP No.26166 of 2025 titled as ***Kulbir Singh Vs. Punjab State Power Corporation Limited and others*** and the same was disposed of by this Court vide order dated 04.09.2025 (Annexure P-2) directing the respondent to decide legal notice. In purported compliance, the impugned order dated 04.12.2025 (Annexure P-1) was passed rejecting the claim made by the petitioner.

2.1 He further submits that the petitioner's claim for promotion was deferred in 2017. Once the petitioner was exonerated, the recommendation kept in a sealed cover was required to be opened and the petitioner ought to have been promoted. Further, there was nothing incriminating against the petitioner during the period from 09.04.2019 to 20.10.2020 and the petitioner



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has been awarded minor punishment in the charge sheets pending at the time when the petitioner's name was due for consideration as is evident from the mere glance at the impugned order dated 04.12.2025 (Annexure P-1). Pertinently, the juniors were promoted on 03.01.2017 (Annexure P-6) by ignoring the seniority of the petitioner and on 27.09.2018, another junior was allowed to steal march over the petitioner and was promoted. As such, the respondents by continuously ignoring the petitioner has suffocated his fundamental rights enshrined under Article 16 of the Constitution of India. He further relies upon the judgment of the Division Bench of this Court in ***D.S. Jassal Vs. Union of India and others 2016 (1) S.C.T. 228*** and the judgment of the Hon'ble Supreme Court in ***Delhi Jal Board Vs. Mahinder Singh 2000 (4) S.C.T. 704*** which has categorically laid down the ratio that every employee has a fundamental right of consideration for promotion and further, the sealed cover procedure permits the question of his promotion to be kept in abeyance till the result of any pending disciplinary inquiry and if he is exonerated, the finding of the DPC has to be given effect to as they relate back to the date on which the misconduct was served upon the petitioner as a charge sheet.

3. *Per contra*, learned counsel for the respondent(s) submits that from the year 2007 to 2022, the petitioner was served with 18 charge sheets, out of which, in 13 charge sheets the petitioner was issued warning and censure, however, in 05 charge sheets, the petitioner was awarded minor punishment. Further, prior to the promotion of the private respondents on 03.01.2017, the petitioner earned a punishment on 27.07.2016 pertaining to a



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charge sheet dated 03.03.2015 and the petitioner has never secured the minimum benchmark of 13 points. Further, the ACR marks alone do not constitute the benchmark. The effect of the punishment awarded in disciplinary cases on ACR marks is also calculated as per applicable instructions in order to determine whether the official is achieving the requirement benchmark during the relevant consideration period.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that the petitioner is aggrieved by the promotion of respondents No.6 to 10 being his juniors. The petitioner claims that, on the basis of the remarks in his ACRs, he has been awarded only censure and minor punishments, which do not create any embargo on his promotion. The petitioner earlier approached this Court by way of filing CWP No.26166 of 2025 titled as ***Kulbir Singh Vs. Punjab State Power Corporation Limited and others*** which was disposed of with a direction to the respondent to decide his legal notice. In purported compliance, the respondent passed a speaking order on 04.12.2025 (Annexure P-1). Perusal of the same clearly indicates that the respondents have taken a specific stand that required benchmark for promotion from JE to AEE is 13 points. It has further been stated that the effect of punishments awarded in disciplinary proceedings is factored into the ACR marks, in accordance with applicable instructions, to determine whether the official meets the required benchmark during the relevant consideration period. It has also been observed that the overall service conduct of the petitioner was taken into account. In view of repeated disciplinary cases, as summarized in

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Table-1 of the speaking order, a consistent pattern of misconduct was noted. Consequently, it was concluded that the petitioner failed to achieve the required 13-point benchmark due to the impact of punishments in various disciplinary cases and, therefore, remained ineligible during all consideration periods.

5. In view of the foregoing discussion, this Court finds no ground to interfere in the present petition. Accordingly, the present petition stands dismissed.

(HARPREET SINGH BRAR)

JUDGE

02.04.2026

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No