

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.3752 OF 2007

N.K. AGARWAL

APPELLANT

VERSUS

STATE OF PUNJAB & ORS.

RESPONDENTS

O R D E R

The only relief which the appellant will get in the event he succeeds in this appeal is to get notional promotion with effect from the date when he was entitled to promotion to the post of Chief Engineer in the Public Works Department (Building and Roads).

We have heard the appellant who has appeared in person and Mr. Kuldip Singh, learned counsel appearing for the Respondent-State

We have also gone through the entire factual matrix of the case and perused the impugned judgment dated 06.01.2006 passed by the Division Bench of the High Court of Punjab and Haryana.

In the writ petition being C.W.P. No.12234 of 2005 filed by the appellant, it was found by the Division Bench that the relief, claimed by the appellant, deserves

to be considered for giving him promotion to the post of Chief Engineer and that respondent nos.2 and 3 viz., J.P. Chander and Ashok Kumar Sood, be not considered for promotion to the posts of Chief Engineer.

Indisputably, the appellant earned throughout "Outstanding" in his Annual Confidential Reports (ACRs) from the reporting authority but the reviewing and the accepting authority downgraded the same to the level of "Good" and "Very Good" which obviously effected the manner of consideration of the officials pursuant to the instructions dated 29.12.2000 and 06.09.2001.

In the course of hearing, the record was called for by the Division Bench of the High Court. On perusal of the said record, it was revealed that the Minister-in-Charge, who is said to be entitled to call for ACRs and the personal files of officials and pass remarks, has reviewed the ACRs by giving "Good" to the appellant and "Outstanding" to respondent nos.2 and 3.

Mr. Kuldip Singh, learned counsel appearing for the respondent-State has very fairly submitted that the direction of this Court to hold Departmental Promotion Committee (DPC) has not yet been complied with. Learned counsel further submits that even if the appellant succeeds in this appeal, he would be entitled to only notional promotion and the benefits that may accrue therefrom.

After giving our anxious consideration in the matter and considering the facts of the case and the change made in the ACR of the appellant at the highest level, we are of the view that the appellant was entitled to get promotion to the post of Chief Engineer.

For reasons aforesaid, this appeal is allowed and the impugned judgment passed by the Division Bench of the High Court of Punjab and Haryana is set aside. Consequently, the respondent-State is directed to accept the claim of the appellant by giving him notional promotion with effect from the date on which he was entitled to get promotion and pay the benefits that may accrue therefrom.

.....J  
[M. Y. EQBAL]

.....J  
[C. NAGAPPAN]

NEW DELHI;  
AUGUST 20, 2015.

ITEM NO.101

COURT NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.3752/2007

N.K. AGARWAL

Appellant(s)

VERSUS

STATE OF PUNJAB &amp; ORS.

Respondent(s)

(With appln.(s) for bringing on record the additional facts and discharge of advocate on record and permission to appear and argue in person and office report)

Date : 20/08/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL  
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Appellant-in-person

For Respondent(s) Mr. Kuldip Singh, Adv.  
For Mr. Jagjit Singh Chhabra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

This appeal is allowed in terms of the signed order.

As a sequel to the above, pending interlocutory applications  
are also allowed.

(Sanjay Kumar)  
Court Master

(Indu Pokhriyal)  
Court Master

(Signed Order is placed on the file)