

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

ANT

N.K. AGARWAL

APPELL

VERSUS

DENTS

STATE OF PUNJAB & ORS.

RESPON

O R D E R

notional

The only relief which the appellant will get in the event he succeeds in this appeal is to get 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).

red in

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

dated

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.

Signature Not Verified

Digitally signed by Sanjay Kumar  
Date: 2015.08.22

In the writ petition being C.W.P. No.12234 of 2005

12:09:06 IST  
Reason:

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.

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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

