



*RA-LP-24-2025 (O&M)*

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

**CM-3314-LPA-2025 in/and  
RA-LP-24-2025 (O&M)  
Date of Decision: 11.07.2025**

UNION OF INDIA AND OTHERS

. . . . Review petitioners

**Vs.**

SUKHDEV SINGH

. . . . Respondent

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**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present: Mr. Rohit Verma, Advocate  
for the review petitioners.

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**SANJEEV PRAKASH SHARMA, J.(Oral)**

1. The Union of India has filed this review petition seeking review of the order dated 24.01.2024 whereby this Court upheld the order passed by learned Single Judge.
2. Learned counsel submits that the criteria for fulfilment of normal promotion requires the marks to be granted and deducted for awards and punishment, and if we look into the said criteria, the writ petitioner was not entitled to promotions.
3. We find basic fallacy in the argument as the criteria were only referred to for the purpose of seeing whether a minor punishment can be an embargo for granting promotion. So far as granting of ACP is concerned, it is not to be governed by the criteria of promotion. The Apex Court has recently in the case of *Rama Nand and others vs.*

**Chief Secretary, Govt. of NCT of Delhi and another, reported in 2020**

**(9) SCC 208**, held as under:

*“17. The reasons for coming to this conclusion is based on the principles set out in the BSNL case (supra). No doubt, sometimes there is a fine distinction which arises in such cases, but, a holistic view has to be taken considering the factual matrix of each case. The consequence of reorganisation of the cadre resulted in not only a mere re-description of the post but also a much higher pay scale being granted to the appellants based on an element of selection criteria. We say so as, at the threshold itself, there is a requirement of a minimum 5 years of service. Thus, all Telephone Operators would not automatically be eligible for the new post. Undoubtedly, the financial emoluments, as stated above, are much higher. The third important aspect is that the appellants had to go through the rigorous of a specialised training. All these cannot be stated to be only an exercise of merely re- description or reorganisation of the cadre. On applying the test in BSNL case (supra), as per sub-para (i) of para 29, promotion may include an advancement to a higher pay scale without moving to a different post. In the present case, there is a re-description of the post based on higher pay scale and a specialised training. It is not a case covered by sub-para (iii), as canvassed by learned counsel for the appellants, where the higher pay scale is available to everyone who satisfies the eligibility condition without undergoing any process of selection. The training and the benchmark of 5 years of service itself involve an element of selection process. Similarly, it is not as if the requirement is only a minimum of 5 years of service by itself, so as to cover it under sub-para (iv).”*



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4. Moreover, the scope of review is very limited. As held by the Supreme Court in *S. Murali Sundaram vs. Jothibhari Kann and others, 2023 INSC 161*, we find that no case of review is made out.
5. Review Petition is *dismissed* accordingly. We also notice that there is delay of 422 days in filing of review petition. On the ground of delay as well, review petition stands dismissed. Application No. *CM-3314-LPA-2025* is accordingly dismissed.
6. All pending applications also stand disposed of.

**(SANJEEV PRAKASH SHARMA)  
JUDGE**

**(AMAN CHAUDHARY)  
JUDGE**

**11.07.2025**

*Mohit goyal*

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

*Yes/No*  
*Yes/No*