

2025:PHHC:073555



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

1258

CWP-3084-2010 (O & M)
Date of decision: 28.05.2025

Swaran Ram Manglu

....Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the orders dated 20.12.2007 and 23.05.2008 whereby his claim for grant of proficiency step up was rejected, and for directing his consideration for promotion as District Treasury Officer w.e.f. the date on which his juniors were promoted, while he was out of service on account of dismissal, based on conviction by the trial Court, but reinstated after acquittal.

2. Learned State counsel refers to preliminary objections of reply dated 03.04.2010 filed by way of affidavit of the Additional Director, Treasuries and Accounts Branch, Finance Department, to which there was no counter filed, read thus:

“1. That the case of the Petitioner was considered by the Departmental Promotion Committee in its meeting dated 16.04.1998, 18.01.2000 and 31.10.2001, 23.10.2002, 05.07.2004, 28.02.2005 and 22.03.2006 for the promotion as District Treasury Officer along with other employees but Petitioner was found unfit for the promotion on the basis of

his Annual Confidential Reports and as per recommendation of the DPC all the eligible employees were promoted under the rules.

2. That the benefit of ACP w.e.f 04.01.2000 was due to him but the said benefit was not granted to him as he did not fulfill conditions laid down in instructions dated 25.09.1998 read with 10.01.2000. It is further submitted that the case of the Petitioner was considered on year to year basis under the proviso of Para (3) of instructions dated 01.12.1988. But the petitioner failed to fulfill the conditions even in subsequent years i.e. on 04.01.2001 and 04.01.2002 also. Meanwhile, in view of the orders dated 06.05.2003 of the Special Judge, Nawan Shahar in FIR No. 184 dated 11.12.1999 Under Section 7/13(2) of the Prevention of Corruption Act, 1988 as per which he was convicted and awarded two and half years Rigorous imprisonment and in accordance with Government instructions on the subject the petitioner was dismissed. However, on his acquittal by this Hon'ble Court, the petitioner was reinstated and case for benefit of the ACP was reexamined and same was granted to him w.e.f 04.01.2003 vide orders dated 20.12.2007 (Annexure P-8).

3. That the instructions dated 03.11.2006 (Annexure-P-10) are not applicable on the Petitioner as he failed to opt these instructions well in time. Even then the case of Petitioner was forwarded by the Respondent Department to the Department of Personnel (P.P.I) for consideration but the plea of the Petitioner was rejected.

3. Disposed of, reserving the petitioner with a liberty to get it revived by demonstrating that the *lis* still subsists.

28.05.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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