



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

**CWP-5568-2021 (O&M)
Date of Decision: 10.09.2025**

Hitesh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. G.S. Gopera, Advocate
for the petitioner.

Mr. Suneel Ranga, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking upgradation of ACR for the period from 01.04.2017 to 02.08.2017 and setting aside of order dated 07.10.2020 whereby his date of promotion has been shifted from 13.08.2018 to 03.06.2020.

2. The petitioner joined Executive Clerical Cadre on 22.07.2016. During July' 2016 to March' 2018, the respondent recorded four ACRs of the petitioner. The detail of ACRs is as below:

Sr. No.	Period	Remarks
1.	22.07.2016 to 31.03.2017	Good
2.	01.04.2017 to 02.08.2017	Average
3.	18.08.2017 to 17.11.2017	----
4.	29.11.2017 to 31.03.2018	Very Good

3. The respondent promoted petitioner as Head Constable w.e.f. 13.03.2018. The respondent issued show cause notice dated 16.09.2020 calling upon him to show cause as to why his date of promotion should not be modified from 13.03.2018 to 03.06.2020. The show cause notice was issued on the ground that 70% or more ACRs of the petitioner are not good, thus, he was wrongly promoted as Head Constable on 13.03.2018. As per his ACRs, he should be promoted from 03.06.2020. The petitioner filed reply to said notice. The respondent turned down submissions of the petitioner and by impugned order dated 07.10.2020 modified his date of promotion from 13.03.2018 to 03.06.2020.

4. Learned counsel representing the petitioner submits that, at this stage, he does not press his prayer *qua* upgradation of ACR, however, his promotion from 13.03.2018 may be protected.

5. On being confronted with four ACRs of the petitioner which were recorded during July' 2016 to March' 2018, learned State counsel expressed his inability to point out that more than 30% ACRs of the petitioner are average or below average. He submits that in the ACR of 18.07.2017 to 17.11.2017, no conclusion has been recorded, thus, it should be treated as average and if treated as average, less than 70% ACR(s) of the petitioner would be good.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of ACR of July' 2016 to 31.03.2018, it is evident that 1st ACR is 'Good', 4th ACR is 'Very Good', 2nd ACR is 'Average' and no conclusion has been recorded in the 3rd ACR. There are 12 Columns in the ACR.

8. The Reporting Officer in the 3rd ACR has found petitioner honest, laborious, punctual, efficient, wise, cooperative with others and fit for promotion. In view of remarks recorded in Column No. 1 to 12, it cannot be concluded that ACR for the period from 18.08.2017 to 17.11.2017 was 'Average'. If it is not 'Very Good', it cannot be at least declared 'Average'. If the said ACR is considered as 'Good', the petitioner was having three good ACRs out of four. He complied with instructions issued by Chief Secretary. He was eligible for promotion. He was rightly promoted as Head Constable on 13.03.2018. There was no requirement to modify his date of promotion.

9. In view of the above discussion and findings, the instant petition deserves to be allowed and accordingly **allowed**. The impugned order dated 07.10.2020 (Annexure P-15) is hereby set aside.

10. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

10.09.2025

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No