



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.115

CWP No.4932 of 2025 (O&M)
Date of Decision: 28.02.2025

Rajesh Kumar

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Shubham Saroha, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 14.08.2023, Annexure P-4, as also the order dated 04.01.2024, Annexure P-3, whereby second ACP given to the petitioner has been withdrawn with effect from 20.07.2016.

2. Learned counsel for the petitioner contends that the petitioner worked as S.S. Master in the Department, retired as such with effect from 30.04.2023, and was released due pensionary benefits. He is aggrieved against the impugned order, dated 04.01.2024, whereby the benefit of second ACP given to him with effect from 04.03.2014, vide order dated 10.07.2023, has been withdrawn with effect from 20.07.2016, i.e., from the date of foregoing promotion to the post of PGT Economics. The basis to withdraw the benefit is wrong as non-submission of options for posting through MIS portal in response to the promotion order cannot be termed as foregoing the promotion intentionally. Therefore, the impugned order has been passed on wrong premise and is not sustainable in the eyes of law.



3. As apparent on record, the petitioner was promoted as PGT Economics along with 1174 other employees, vide office order dated 13.07.2016, Annexure P-1. In terms therewith, he was directed to give options for posting online through MIS portal which he, admittedly, failed to do. He continued working in the Department as S.S. Master and retired as such on 30.04.2023. The order giving the benefit of second ACP, dated 10.07.2023, is subject to the condition that it is liable to be withdrawn without any notice in case the hierarchical promotion is declined/foregone by him. It is also a matter of record that the petitioner did not accept his promotion as PGT Economics, and never joined on the promotional post by not submitting the options for posting.

4. In these facts and circumstances, in case the Department has drawn an inference that the petitioner has intentionally foregone his promotion and withdrawn the benefit of ACP from that date, no exception can be taken to it. His conduct in not joining on the promotional post, nor taking any other step seeking departmental intervention to enable him to join, leads to no other conclusion.

5. In view thereof, no exception can be taken to the impugned order, dated 04.01.2024, withdrawing the second ACP given to the petitioner, as also the order dated 14.08.2023, making necessary correction in his service book in terms therewith. Accordingly, the petition stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

28.02.2025

Maninder

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