

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

**C.W.P. No.4534 of 2003 (O&M)
Date of Decision : 18.05.2015**

S.S. Karan

..... Petitioner

Versus

Punjab and Haryana High Court and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S. Bajaj, Advocate
for the petitioner.

Mr. Vikas Sharma, Advocate
respondent Nos.1 & 2.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has claimed promotion as Superintendent Grade-I from the date his juniors were promoted i.e. 13.01.2000 along with all consequential benefits.

The petitioner was appointed as a Clerk in this Court on 30.04.1966. He was promoted as Assistant in the month of March, 1974 and thereafter as Superintendent Grade-II on 03.12.1994. On 01.06.1999 the seal of the Court entrusted to him went missing. He immediately reported about the loss thereof. The regular inquiry was conducted. The

inquiry officer submitted his report that since the petitioner was the sole custodian of the seal he was the only person who was accountable for the loss thereof. However, no malafide was attributable to the petitioner in any inquiry. In view thereof, the competent authority issued him recordable warning and it is this recordable warning which has been pressed for justifying the denial of promotion to him when his juniors were promoted. Apart therefrom there is no other material which could stand in the way of the petitioner being promoted.

Learned counsel for the petitioner has relied upon two judgments of this Court in the cases of *Santosh Kumari Aneja vs. Haryana Seeds Development Corporation Ltd., 1999(2) PLR 368* and *Jagir Singh vs. State of Punjab and others, passed in CWP No.16518 of 2008, decided on 15.09.2011*. In both these cases, it has been held that the minor punishment of warning cannot be taken to be a bar for promotion.

Learned counsel for the respondents No.1 and 2 has not been able to cite any contrary judgment.

No other argument has been raised by learned counsel for the petitioner. In the circumstances, this petition has to be allowed. Ordered accordingly. The respondent No.2 is directed to re-consider the claim of the petitioner for promotion from the date his juniors were promoted as Superintendent Grade-I without considering the punishment of recordable warning to be in any way detrimental to his claim for promotion. It is not disputed that since the petitioner has retired the only benefits he may get in case he is so promoted would be monetary in nature. Resultantly, the

respondent No.2 is directed to conduct this exercise of considering the claim of the petitioner, passing necessary orders thereon and, in case the petitioner is found entitled to any relief to grant him necessary benefits accruing therefrom, within a period of four months from the date of receipt of a certified copy of this order. It is made clear that if any due benefit is not granted to the petitioner within the aforesaid period the petitioner would be at liberty to claim the same @ 8% p.a. from the date/s the benefit/s fell due till the date/s of payment/s.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 18, 2015

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**(AJAY TEWARI)
JUDGE**