

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

116

**Civil Writ Petition No.10726 of 2015
Date of Decision:26.05.2015**

Ashok Kumarpetitioner

Versus

State of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

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

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the claim of the petitioner for promotion to the post of Junior Engineer (Civil) with effect from the date his juniors i.e.respondents No.5 to 7 were promoted.

Petitioner was appointed as Work Munshi on 21.12.1981. His services were regularised on 01.09.1992. Promotion to the post of Junior Engineer (Civil) is to be made on the basis of seniority-cum-merit and after passing the departmental examination. The petitioner is the senior most and had even cleared the examination in 2001. Respondents, without finalising the seniority list promoted number of persons junior to the petitioner who were engaged as Work Munshis. That being so, respondent No.1 even issued a letter to respondent No.2, that in

violation of the rules, number of juniors were promoted and consequently claims of the senior employees were ignored. And this was because the department did not maintain year wise roster register of different vacancies. Respondents No.5 to 7, though on ad hoc basis, were promoted, despite being junior to the petitioner. As a result, petitioner represented to respondent No.2, vide representation dated 29.07.2013 (Annexure P3), through proper channel. And eventually, in the wake of the instructions dated 03.10.2007 (Annexure P1), issued to respondent No.2, the seniority list of Work Munshis was finalised for the purpose of promotion to the post of Junior Engineer (Civil) on 04.12.2014. Even post finalisation of the seniority list, petitioner represented to respondent No.1 vide representation dated 30.04.2015 (Annexure P5), for consideration of his claim for promotion. But again, with no tangible result.

Learned counsel for the petitioner submits that the claim of the petitioner for promotion to the post of Junior Engineer (Civil) continues to await the consideration by the respondent-authorities and he is slated to retire on 30.09.2016. He submits that let this petition be disposed of, only, with a direction to respondent No.1 to consider and decide the representation (Annexure P5) made by the petitioner, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of, with a direction to respondent No.1, to consider and decide the claim of the petitioner as set out in his representation dated 30.04.2015 (Annexure P5), strictly, in accordance with law, within a period of three months, from

the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

26.05.2015

neenu

(ARUN PALLI)
JUDGE