

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

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**Civil Writ Petition No.11732 of 2015
Date of Decision:29.05.2015**

Vikramjit Singhpetitioner

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 he passed the departmental examination i.e.28.07.2006, particularly, when petitioner is the senior most in the category of Surveyor and has also qualified the requisite examination.

The petitioner was appointed as Surveyor on 14.01.1992 on work charge basis and his services were regularised on 03.05.2005. He appeared in the departmental examination conducted in the year 2006 and was placed in the list of successful candidates at Sr.No.12 and was, thus, fully eligible to be promoted as Junior Engineer on the basis of his seniority. However, as the respondents failed to finalise the seniority list of surveyors for the

purpose of promotion to the post of Junior Engineer, the petitioner could not be considered for promotion. Despite repeated representations made by the petitioner in this regard he was only assigned the current duty charge for the purpose of Junior Engineer (Civil), vide letter dated 31.01.2008 (Annexure P2). Pursuant to another representation dated 04.06.2013 (Annexure P3) made by the petitioner, respondent No.3 recommended the claim of the petitioner for consideration for promotion to respondent No.2 vide letter dated 17.07.2013 (Annexure P4). But to no avail. Eventually, respondents having realised the violation of the rules and non promotion of number of surveyors and other employees, finalised the seniority list of surveyors for promotion to the post of Junior Engineer (Civil), who had passed the departmental examination. In short, the seniority list was finalised vide letter dated 04.12.2014 (Annexure P7) and since he had cleared the departmental examination in the year 2006, he was fully eligible for promotion.

Learned counsel for the petitioner submits that, despite repeated representations made by the petitioner as regards his grievance, his claim continues to await consideration by the respondent-authorities. He further submits that let this petition be disposed of with a direction to respondent No.2 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.2, to consider and decide the claim of the petitioner

as set out in his representation dated 29.09.2014 (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.

29.05.2015

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(ARUN PALLI)
JUDGE