

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

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**Civil Writ Petition No.13401 of 2015
Date of Decision:08.07.2015**

Karori Malpetitioner

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.Vivek Rattan, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Notice of motion.

Mr.Anshul Gupta, Assistant Advocate General Punjab, present in the Court, accepts notice. Copies supplied. In the wake of an order, I intend to pass in the matter in hand, no formal response/written statement on behalf of the State, at this stage, is necessary.

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider and decide the appeal (Annexure P6) preferred by the petitioner against an order dated 02.04.2009 (Annexure P5) passed by the Director State Transport Punjab, Chandigarh, which is purportedly pending consideration before respondent No.1 since 15.05.2009. Petitioner was appointed as Clerk in the Transport Department on 09.11.1976. He was

promoted as Steno Typist on 24.12.1977. He qualified Assistant Grade Examination on 04.04.1989 and was thus, eligible to be promoted as Senior Assistant, but yet his claim for promotion was not considered for any tangible reason. So much so, the persons junior to the petitioner were promoted on 11.10.1989. Although, petitioner was promoted w.e.f.15.10.1989, but he claims that he ought to have been considered w.e.f.04.04.1989 i.e. the date he qualified the Assistant Grade Examination, in terms of the notification dated 27.04.1982 (Annexure P2). That being so, he preferred an appeal before respondent No.1 on 15.05.2009 for redressal of his grievance.

It is maintained that the petitioner was directed to be present for hearing seven times by the appellate authority, but on none of the occasions the appeal was heard. And in the meanwhile, one Gurmeet Singh, who also happened to be junior to the petitioner was promoted as Superintendent Gr-II on 20.07.2010. Accordingly, the petitioner even preferred a supplementary appeal dated 15.10.2010 (Annexure P7) but to no avail. In the interregnum, the petitioner had retired on attaining the age of superannuation on 30.09.2012 after being promoted as Superintendent w.e.f. 27.03.2012. But his appeal continues to await consideration by the appellate authority. So much so, prior to the institution of this petition, petitioner purports to have served upon the respondents a legal notice dated 15.01.2015 (Annexure P11) but that too has failed to evoke any response.

Learned counsel for the petitioner submits that let this

petition be disposed of, only with a direction to respondent No.1 to consider and decide his appeal dated 15.05.2009 (Annexure P6) within a specified time.

Prayer is not opposed by learned State counsel. He submits that a direction be issued to respondent No.1 to consider and decide the appeal (Annexure P6) within a period of three months.

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 appeal dated 15.05.2009 (Annexure P6), preferred by the petitioner, if indeed any such appeal is pending, 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.

08.07.2015
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(ARUN PALLI)
JUDGE