

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

Civil Writ Petition No.141 of 2015

Date of decision: 7.1.2015

Mohinder Pal and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.K.S.Dadwal, Advocate,
for the petitioners.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Mr.Dadwal submits that the petitioners are qualified for promotion as exemptee under 70:30 ratio fixed in **Saroj Rani & another v. State of Punjab and others**, 1994 (4) SCT 80 and promotion was due to his clients in 1997. Their cases were recommended in 1999 for promotion as Senior Assistants but relief has not been granted to them despite requests and reminders sent. The petitioners are due to retire soon.

Mr.Anshul Gupta, Assistant Advocate General, Punjab accepts notice on behalf of the respondents and waives service on them.

In view of the prayer made for grant of benefit accruing from the judgment of the Supreme Court, there would be no necessity to receive reply on behalf of the State only to thrash out facts. Therefore, it would be more appropriate if a direction is issued to the respondent-State to consider

and decide their claim for ante-dated promotion as Senior Assistant by applying the rotation of 70:30 laid down in Saroj Rani's case [supra] and to do so within 21 days of receipt of a certified copy of this order. In case, relief is admissible, there would be no necessity of passing a speaking order and benefits can be given under office orders. In case, the right has to be denied and for valid reasons, then a speaking order would have to be passed after hearing both the petitioners in which case, the period of 21 days would stand extended by another week.

It is made clear that in case the petitioners' claim is found justified, then an order would be passed promoting them as Senior Assistants before they retire even if the monetary benefits as may accrue are handed over lateron.

The petition stands disposed of with the above direction.

(RAJIV NARAIN RAINA)
JUDGE

January 7, 2015
Paritosh Kumar