

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14123 of 2015

Date of Decision: 18.08.2015

Yash Pal

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. M.K. Dogra, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.

The petitioner is a retired employee of Irrigation Department, Punjab. He claims that vacancies arising prior to the year 1984 deserve to be filled on the basis of the principle of seniority-cum-merit without resort to the condition of successfully passing the Assistant Grade Examination which was then the prevailing condition precedent for promotion to the post of Assistant. He claims promotion to the post of Superintendent Grade-II/Grade-I as he has passed the Sub Divisional Clerks' Examination as provided for in Rule 10(d) read with Appendix 'D' of the Punjab Public Works Department (Irrigation Branch) Circles Clerical State Services, Class-III Rules, 1955. The claim is based on the principle that old vacancies are required to be filled up under old rules as per the dicta of the Supreme Court in **Y.V Rangiah v. J. Sreenivas Rao**, 1983 (2) SLR 789. His case has been pending consideration for a sufficiently long time without due attention paid by the competent authority for redress of grievances. He has

submitted a representation dated August 14, 2014 (P-10) addressed to Respondent-2 for justice but the same has not been attended to and decided so far despite passage of unreasonable time.

Learned counsel appearing for the petitioner would be satisfied if a direction is issued to Respondent-2 to consider and decide the aforesaid representation in a time-bound manner.

The request is fair and reasonable and is accepted on the principle of fairness in action and its promotion in Government offices meant for fair and transparent dealing with junior officials.

Therefore, a direction is issued to R-2 to consider and decide the aforesaid representation within two months from the date of receipt of a certified copy of this order. In case, the claim of the petitioner is found justified, no hearing would be required. If it is otherwise, then the petitioner would be heard and a speaking order passed within the time frame fixed above and duly communicated to the petitioner without any delay. Action taken be brought to the notice of this Court by an application presented for the perusal of this Court within a month after the final decision is taken.

The petition stands disposed of with the above directions.

(RAJIV NARAIN RAINA)
JUDGE

18.08.2015
manju