

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

Civil Writ Petition No.17929 of 2015

Date of decision: 27.8.2015

Randhir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.K.L.Arora, 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. (Oral)

It appears that the date of regularization of the petitioner is before the date of appointment or regularization of persons who have been promoted as Senior Assistants by the impugned order dated 21st August, 2015. A chart has been placed on record as Annexure P-11 which shows the seniority positions of the petitioner and the private respondents. If the seniority position is in the manner indicated in this petition, then the case of the petitioner ought to have been considered for further promotion unless he has suffered a disability for promotion.

Since the view of the Administrator is not known and the order impugned is an order promoting juniors, then the appropriate method to do justice to the petitioner is to direct the respondents to consider and decide

his case for promotion to the higher post and in case, it is found admissible, then he be accorded promotion at the appropriate slot as per the seniority and above his juniors from the date they were promoted. Let the consideration of the case of the petitioner for further promotion to the post of Senior Assistant be completed within 30 days from the date of receipt of a certified copy of this order. In case, the position stated by the petitioner in this petition is factually correct, then it will not be necessary to either pass a speaking order or to hear the petitioner. In case, it is otherwise, then it is expected that the petitioner would be heard and a speaking order containing reasons for arriving at the conclusion for denial of promotion is recorded in writing and duly communicated to the petitioner.

With these directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

August 27, 2015
Paritosh Kumar