

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

Civil Writ Petition No.18862 of 2015

Date of decision: 8.9.2015

Head Constable Ashwani Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.V.K.Sandhir, 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)

The petitioner has approached this Court under Article 226 of the Constitution of India praying for parity of treatment with similarly situated persons in the cadre of Executive Clerical Cadre of the Punjab Police so that his future career is not affected on incorrect assumptions. The similarly situated persons are said to have been granted relief by the department with effect from 14.3.2013.

Mr.Sandhir submits that there is a possibility that this mistake may have been by complete oversight. The petitioner has served a legal notice dated 29.1.2015 [P-7] which has not been attended to by the Administrator so far.

Learned counsel submits that a direction may be considered to be issued to respondent No.3-Inspector General of Police, Border Range, Amritsar to consider and decide the legal notice in a time bound manner.

The request is fair and reasonable and the judicial review at this stage is not called for but since there has been a long lapse of time of pendency of the legal notice, then a direction is issued to respondent No.3 to hear the petitioner and pass a speaking order which be duly communicated. In case, there is an apparent error which can be corrected at the hands of respondent No.3, the correction may be carried out by an office order and in that case, no hearing would be required to be given to the petitioner. It is only that an adverse order is contemplated that the necessity of hearing would arise.

With these directions, the petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

September 8, 2015

Paritosh Kumar