

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP NO.19197 of 2015 (O&M)

Date of decision: 11.9.2015

Jagroop Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Vivek Sharma, 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)

I have heard learned counsel for the petitioner and perused the paper-book with his assistance.

The petitioners have been promoted as Lecturer (English) w.e.f. 30th May, 2008 from the date when their juniors were promoted by ignoring the names of the petitioners. The reason for delayed promotion was that the seniority list was embroiled in disputes before the Administrator and this Court. In this petition, the petitioners claim retrospective promotion with all consequential benefits from the date juniors were promoted to the post of Lecturer (English). The petitioners have served a legal notice dated 23rd May, 2015 (Annexure P-5) for redressal of their grievance, but no action has been taken so far.

Mr.Sharma, learned counsel submits that he will be satisfied if a direction is issued to the respondents to consider and decide the legal notice of the petitioners within a time bound period. The request is fair, just

and equitable since the rights of the petitioners cannot be kept in abeyance and deserve to be declared at an early date by the decision-maker in the respondents.

In these circumstances, a direction is issued to the first respondent to decide the legal notice dated 23rd May, 2015 (Annexure P-5), as per rules within a period of two months from the date of receipt of a certified copy of this order. In case the claim of the petitioners for retrospective promotion is found to be admissible, the same together with any consequential benefits that may arise from retrospective promotion, be granted to the petitioners within one month thereafter and in that situation, personal hearing would not be required to be afforded to the petitioners. However, in case, for any reason, an adverse order is contemplated, then the petitioners through two of their representatives would be afforded personal hearing before the final decision is taken by the decision-maker. In this situation, it is expected that final order would be a speaking one disclosing reasons for conclusions reached. The final order will be communicated to the petitioners without delay so that their further rights, if any, are not unreasonably delayed and for them to avoid their legal remedies.

With these directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)

JUDGE

11.9.2015

MFK