

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

CWP No. 21657 of 2015
Date of decision: 09.10.2015

Mrs. Satwant Kaur and anotherPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. P.S. Thiara, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioner no. 1, being wife of Late Sh. Balwant Singh, seeks promotion to the rank of IPS by considering his name in the select list of 1989 above Sh. Baldev Singh IPS. Petitioner no. 2 Jit Singh seeks similar relief by considering his name in the select list of 1985 above Sh. Inderjit Singh. The said police employees had been dismissed on account of the assassination of Sant Harcharan Singh Longowal on 20.08.1985 while taking recourse to Article 311(2)(d) of the Constitution of India. The dismissal was subject matter of writ petitions which were allowed on 24.09.2009 and the said dismissal orders were set aside in which the employees were held not entitled to any financial benefits during the interregnum period they were out of service. However, period of dismissal was to be counted towards length of service for pensionary benefits etc. and also for promotional aspects as well.

The LPAs filed by the State of Punjab and by petitioner no. 2 wherein he had sought financial benefits was dismissed on 24.01.2014.

Counsel submits that in pursuance of the litigation being finalized, a

recommendation has been made on 27.01.2015 (Annexure P-2) by the respondent-State to respondent no. 2 for the promotional benefits which accrued to the employees but no action has been taken in spite of a period of almost 8 months having expired.

Counsel submits that petitioner no. 1 has served a legal notice dated 16.08.2015 (Annexure P-3) upon the respondents for the necessary relief but no action has been taken on the same. Counsel submits that he would be satisfied at this stage if a direction is issued to the respondents to take a decision on the said recommendation and legal notice within a time bound frame.

Without commenting on the merits of the case and keeping in view the fact that recommendation has already been made on 27.01.2015, this Court does not feel necessary to call upon the respondents to file reply.

Accordingly, this writ petition is disposed of with a direction to respondent no. 2 to take steps on the said recommendation and legal notice dated 16.08.2015 (Annexure P-3) and decide the same within a period of four months from the date of receipt of certified copy of the order. It is made clear that the said consideration will be in accordance with law and nothing said herein will amount to any direction as such on the merits of the case. In case the relief is to be denied, the petitioners be communicated a reasoned order.

09.10.2015
shivani

(G.S. SANDHAWALIA)
JUDGE