

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

CWP No.24107 of 2014
Date of decision: 07.04.2015

Sarabjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Amrik Singh, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Writ in the nature of certiorari is prayed for so as to quash the order dated 29.09.2014 (Annexure P7), vide which respondent No.4 i.e. Amarjit Singh Beldar, has been promoted as Sub Inspector Horticulture despite being junior to the petitioner. Further, a direction is also sought to the respondents to consider and promote the petitioner as Sub Inspector Horticulture, in terms of the seniority list, from the date his junior was promoted i.e. 29.09.2014. And all consequential benefits be afforded.

It is averred that the petitioner was appointed as Beldar in the department of Agriculture on 21.08.1978 (Annexure P1). He was transferred to Fruit Preservation Laboratory on 10.02.1986 and since then is engaged as Laboratory Attendant but getting the pay of Beldar. The

combined seniority list of Beldar-cum-Mali finalized by the department shows that the petitioner is placed at serial No.10 as Beldar and since respondent No.4 had not yet joined service his name is not shown in the said list. In fact, respondent No.4 was appointed as Beldar on 22.05.1996 (Annexure P5). However, despite being junior to the petitioner, respondent No.4 was promoted as Sub Inspector in the pay scale of ₹ 5910-20200. It is maintained that the petitioner is fully eligible for promotion and is entitled thereto w.e.f. the date his junior was promoted. So much so, prior to the institution of this petition, respondents were even served upon a legal notice dated 05.10.2014 (Annexure P9). But that too has failed to evoke any response.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of with a direction to respondents No.1 to 3, to consider and decide the notice served by the petitioner within a specified time. And by passing a speaking order.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to respondents No.1 to 3, to consider and decide the claim of the petitioners, as set out in the notice dated 05.10.2014 (Annexure P9), strictly in accordance with law, within a period of 3 months from the receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed,
assigning reasons in support of the decision arrived at.

April 7, 2015
Rajan

(Arun Palli)
Judge