

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

CWP No. 25021 of 2015
Date of decision: 01.12.2015

Mohinder Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Madhav Pokhrel, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the show cause notice dated 08.07.2015 (Annexure P-4) whereby, the petitioner has been put to notice why he be not reverted from the Work Experience Teacher to Work Shop Attendant by respondent no. 2.

Counsel for the petitioner submits that the petitioner was promoted in pursuance of directions issued by this Court in CWP No. 5389 of 2001, Mohinder Singh vs. State of Punjab and others on 07.01.2003 (Annexure P-2). Thereafter, formal order of promotion was made on 29.09.2003 (Annexure P-3). One Daljit Singh filed CWP No. 20584 of 2013 wherein, he took the plea that juniors namely respondents no. 3 to 9 had been promoted. The petitioner was not amongst the said juniors. Counsel for the State had given a statement on 31.07.2014 that promotion of respondents no. 3 to 9 would be reviewed and if any junior was retained, the case of Daljit Singh would also be considered. It is submitted that in such circumstances, a show cause notice has been issued, which had been duly

replied to by raising various objections including the facts noticed above.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the fact that a final order is yet to be passed, this Court is of the opinion that the present writ petition is premature. It is always open to the respondents to take into consideration all the necessary facts and the defence raised and thereafter pass an order. It is open to the petitioner to challenge the said order specially since the fact remains that he earned promotion more than 12 years back. However, on account of the long promotion, this Court feels that in case any adverse order is to be passed against the petitioner, he is entitled for protection for a period of at least 2 weeks so that he can approach this Court for necessary relief.

Accordingly, the present writ petition is disposed of as premature with liberty to the respondents to pass a speaking order which will be duly conveyed to the petitioner. The petitioner will not be reverted back for a period of 2 weeks thereafter. Needless to say it is always open to the authorities to keep into consideration the fact that the petitioner is duly entitled for promotion in view of the orders passed by this Court and the grounds taken in his reply to the show cause notice.

01.12.2015
shivani

(G.S. SANDHAWALIA)
JUDGE