

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
135

CWP No. 5245 of 2015

Date of Decision: March 23, 2015

Baldev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Counsel for the petitioner states that the petitioner was initially denied promotion despite fulfilling the statutory requirements on the basis of instructions, which require the positive result to be 50% or above in comparison to the result declared by the Punjab School Education Board. These instructions were challenged before this Court and a Division Bench of this Court in CWP No. 4757 of 2000 titled as Jasvir Kaur vs. State of Punjab and others, set aside the same. In CWP No. 1780 of 2009 titled as Malkiat Singh and others vs. State of Punjab and others vide order dated 26.08.2009 (Annexure P-3), directions were issued to consider and release the Assured Career Progression benefit also ignoring this aspect. The claim of the petitioner is also stated to be covered in his favour by the judgment passed by this Court in CWP No. 11574 of 2009 titled as Sukhdev Singh and others vs. State of Punjab and others, decided on 26.08.2009 (Annexure P-4). Instructions to comply with the judgment passed by this Court were issued in the year 2009 and thereafter, the petitioner had been agitating the claim for promotion to

the post of Lecturer. Notice through counsel dated 02.12.2014 (Annexure P-5) has been served upon the respondents claiming the benefit of promotion in terms of the departmental instructions dated 21.08.2009 based upon the judgment in Sukhdev Singh's case (supra) but till date, no decision thereon has been taken or conveyed to the petitioner. Counsel states that the petitioner would not claim arrears except 38 months prior to the date of issuance of the notice.

Counsel states that the petitioner, at this stage, would be satisfied if a direction is issued to respondents No. 1 and 2 to consider and decide the legal notice dated 02.12.2014 (Annexure P-5) within some specified time.

Without going into the merits of the case or commenting thereon, the present petition is disposed of with directions to the Principal Secretary, Government of Punjab, Department of Education, Punjab and the Director of Public Instructions (Secondary Education), Punjab, respondents No. 1 and 2 respectively, to consider and decide the legal notice dated 02.12.2014 (Annexure P-5) within a period of four months from the date of receipt of certified copy of this order.

The consequential benefits, if any, be released to the petitioner, in accordance with law, within a further period of two months. In case the claim of the petitioner is not to be accepted, a well-reasoned and speaking order be passed and conveyed to him forthwith.

March 23, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE