

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

**C.W.P. No. 12481 of 2013
Date of Decision:- 08.08.2016**

Raj Kumar

....Petitioner(s)

vs.

State of Punjab and others

....Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Aman Dhir, Advocate,
for the petitioner.

Mr. L.S. Virk, Addl. A.G., Punjab,
for respondents No.1 to 3.

Mr. J.S. Ahluwalia, Advocate,
for respondent No.4.

DAYA CHAUDHARY, J. (Oral)

The grievance of the petitioner in the present petition is that he was working as Clerk and served the Department for two years but subsequently he was demoted to the lower post whereas the petitioner was entitled for regularization in view of total length of service.

The stand of respondent No.4 is that the petitioner is not entitled for regularization and it was not a case of demotion. An offer was made to the petitioner but he never joined as Lab Attendant. There was break in the service and the petitioner was not entitled for regularization as he was not possessing the requisite qualification and was not appointed by following proper procedure. His services were terminated. Learned counsel for respondent No.4 also submits that an offer was available to the

petitioner to join duty but he did not join.

On perusal of the documents on record, it is not clear as to how the petitioner was offered the post which was lower in grade and even how much service he has rendered with respondent No.4. It would be in the interest of justice to direct respondent No.4 to consider the representation of the petitioner and pass necessary order in accordance with law.

The writ petition stands disposed of with the aforesaid direction to respondent No.4.

August 08, 2016
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No