

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

**C.W.P. No. 18004 of 2016
Date of Decision:- 01.09.2016**

KAMAL KISHORE

....Petitioner

VS.

STATE OF PUNJAB AND ORS.

....Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Manhas, Advocate,
for the petitioner.

DAYA CHAUDHARY, J. (Oral)

The case of the petitioner is that initially he was appointed as Surveyor in the Improvement Trust, Pathankot. A resolution was passed on 29.03.1990 by the Improvement Trust to terminate the services of the petitioner. Petitioner filed CWP No. 9786 of 1990 and operation of the impugned resolution was stayed. Thereafter, petitioner was adjusted in Municipal Council, Pathankot. Petitioner made a representation for grant of seniority of Surveyor along with all consequential benefits. He was given seniority No.5-A in the seniority list of Junior Engineers, which was above one Sukhpal Singh, who was promoted to the post of Assistant Trust Engineer by ignoring the petitioner and given seniority over and above the petitioner. Petitioner has raised objection with regard to seniority by way of filing representation, which is still pending as the same has not been decided so far.

Learned counsel submits that in spite of giving representation,

the seniority of the petitioner has not been correctly fixed and he is not being promoted because of the pendency of the representation for fixing the seniority. Petitioner would be satisfied if directions are issued to the respondents to consider and decide the representation dated 20.1.2016 (Annexure P-5).

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that representation dated 20.1.2016 (Annexure P-5) is still pending and the same has not been decided, the present petition is disposed of with a direction to respondent No.2 to consider and decide the representation of the petitioner in accordance with law by passing a speaking order within a period of two months from the date of receipt of certified copy of the order. In case the petitioner is found to be entitled for the claim mentioned in the representation, the same be granted to him and in case, any adverse order is passed, petitioner is at liberty to avail the appropriate remedy as per law.

September 01, 2016
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes