

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

Sr. No.107+236-2

CWP No.21416 of 2015 (O&M)

Date of decision: 12.04.2016

Dinesh Kumar Sharma

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.K. Bura, Advocate,
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana
for respondents No.1 to 3.

Mr. R.S. Cheema, Advocate,
for respondent No.4.

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DEEPAK SIBAL, J. (Oral)

C.M. No.4405-CWP of 2016

Through the present application, written statement on behalf of
respondent No.4 is sought to be placed on the record.

Allowed as prayed for.

CM stands disposed of.

Main Case

The petitioner who was serving as a Lower Division Clerk in
the respondent-Haryana Police Public School (Now DAV Police Public
School), Madhuban, District Karnal, (hereinafter referred to as the 'School')
has filed the present petition with a dual prayer. So far as the first prayer is
concerned the same is to set aside advertisement dated 06.09.2015

(Annexure P-23) through which applications have been invited to fill up

several posts including a post of Lower Division Clerk. The petitioner, apprehending that the post of Lower Division Clerk so advertised was the same post being manned by him and thus fearing replacement while laying a challenge to the afore-referred advertisement seeks issuance of a direction to the respondent-School not to fill up the same.

Learned counsel for the respondent-School submits that the post of Lower Division Clerk advertised to be filled up through advertisement dated 06.09.2015 is not the post being manned by the petitioner and is in addition to the same.

The aforesaid statement made on behalf of the respondent-School, satisfies learned counsel for the petitioner qua the petitioner's first prayer.

The second prayer made in the petition is with regard to the claim for higher pay scales for which the petitioner has already approached the respondent-school through a representation dated 25.08.2011 (Annexure P-13). The record reveals that till date no decision the same has been taken.

In view of the above, learned counsel for the petitioner at this stage, submits that he would be satisfied, if a direction is issued to respondent No.3 to decide the afore-referred representation expeditiously.

Finding the prayer made by learned counsel for the petitioner to be reasonable, respondent No.3 is directed to decide the representation dated 25.08.2011 (Annexure P-13) expeditiously but not later than four months from the date of receipt of a certified copy of this order, by passing a well reasoned and speaking order and after affording opportunity of hearing to the petitioner.

Needless to add that the decision so taken be communicated to the petitioner and if the decision is not to the satisfaction of the petitioner, he would be at liberty to challenge the same, in accordance with law.

(DEEPAK SIBAL)
JUDGE

April 12, 2016
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