

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

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**CWP-5562-2012 (O&M)
Date of decision: 22.08.2016**

Yog Raj Sharma

....Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

Ms. Ranjana Shahi, Advocate for hte respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the reply issued by the respondent dated 09.05.2011 (Annexure P11). The petitioners' claim is that he is entitled for promotion to the cadre of Sub-Inspector from the post of Head Constable, Motor Transport. During the period from 2005 to 2010 petitioner was in the shape-II Medical category. For the purpose of promotion to the cadre of Sub-Inspector one Head Constable, Motor Transport should be in the medical category shape-I. For want of the above requirement rightly the respondents have rejected his claim.

2. It is learnt that petitioner's status in the medical category has been upgraded from Shape -II to Shape-I in the year 2010. Learned counsel

for the petitioner vehemently contended that categorizing him in a medical category shape-II itself is wrong. He is entitled for status of medical category shape-I. However, the petitioner has failed to challenge in respect of determining his status as shape-II. Without challenge to the status of medical category shape-II he could not have challenged the communication dated 09.05.2011.

3. In view of these facts and circumstances, the petitioner's claim would be considered only from 2010 in which year Shape II was upgraded to Shape I, if he is otherwise eligible like the conditions imposed in para 3 of the standing order No. 5/2005 dated 26.04.2005 for promotion to Sub-Inspector, Motor Transport(D) list.

4. The respondents are directed to consider his name for promotion to the cadre of Sub-Inspector, Motor Transport (D) list if he is otherwise eligible in accordance with para 3 of the standing order dated 26.04.2005 within a period of 3 months from today.

5. CWP stands disposed of.

22.08.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No