

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26454 of 2016

Date of Decision: 20.12.2016

Sh. Manoj Sehwat

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anil Kumar Sharma, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

1. The petitioner complains that his juniors in the cadre of SS Masters have been promoted, while the case of the petitioner has been ignored for no valid reason. He has named two persons in the petition, namely, Sh. Sanjit Kumar at seniority No.13925 and Sh. Brijender Singh at seniority Sr. No.13986 as junior to him in the feeder cadre. The petitioner's name figures at Sr. No. 12864 but his name does not find mention in promotion list. The petitioner has made a representation and then served legal notice backing it up on the department to correct the error in the promotion orders but the same has not been rectified so far. The further grievance is that the second round of transfers is underway in the department and if allowed to be completed without right to consideration of his case, the petitioner will lose his right to exercise option in posting, as persons junior to him who have already been promoted as PGT English, will find their destinations/stations of transfer by participation in the exercise;

which opportunity if denied will cause serious prejudice to the petitioner as he will be a bystander in the race of transfers and posting.

2. Then, instead of keeping this matter in motion hearing by issuing summons on the respondents and to await reply it would subserve the ends of justice if the State is called upon to correct its error promptly and in such a manner that it allows time to the petitioner to participate in the ongoing transfers before it is concluded.

3. Notice of motion.

4. On the asking of the Court, Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondent-State etc. and waives service on them.

5. Learned counsel for the petitioner to supply two sets of the paper-book in the office of Advocate General, Haryana and one advance copy to Ms. Goyal during the course of the day.

6. Heard.

7. This petition is disposed of with a direction to the promoting authority to consider the representation/legal notice of the petitioner immediately and in case persons junior to the petitioner have been promoted to the higher post and there are no impediments in the way of the promotion of the petitioner and he satisfies the parameters of promotion he will be promoted forthwith with all attendant benefits. The consequential benefits may be granted later but the promotion order, if justified, should be passed immediately so that the petitioner participates in the transfer and posting presently underway.

8. With these observations and directions, the petition stands

disposed of.

9. Order dasti on payment of usual charges.

(RAJIV NARAIN RAINA)
JUDGE

20.12.2016
manju

Whether speaking/reasoned Yes

Whether reportable No