

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4040 of 2016

Date of decision: 29.2.2016

Darshan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Rajinder Sharma, Advocate for the petitioner

G.S.SANDHAWALIA, J (Oral)

Challenge in the present writ petition is to the show cause notice dated 08.07.2015 (Annexure P-13) whereby, the petitioner has been put to notice as to why he be not reverted to post of Work Shop Attendant from the post Vocational Teacher/Work Experience Teacher.

It is case of the petitioner that he was promoted to the post of Vocational Teacher/Work Experience Teacher from the post of Workshop Attendant more than six years ago vide order dated 3.11.2008 (Annexure P/9). One Daljit Singh filed CWP No. 20584 of 2013 wherein, he took the plea that juniors namely respondents no. 3 to 9 in that case had been promoted. The petitioner was not amongst the said juniors. Counsel for the State in the said case had given a statement on 31.07.2014 (Annexure P/11) that promotion of respondents no. 3 to 9 would be reviewed and if any junior was retained, the case of Daljit Singh would also be considered. It is accordingly submitted that in such circumstances, a show cause notice has been issued, which had been duly replied to on 16.7.2015 (Annexure P/14) by raising various objections including the facts noticed above and other legal submissions. Thereafter, personal hearing was granted and representation dated 6.11.2015 (Annexure P/14-A) has been filed.

Notice of motion.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of the respondents in all the petitions. Copies of the writ petitions have been supplied to him in Court.

Keeping in view the fact that a final order is yet to be passed, this Court is of the opinion that the present writ petition is premature. It is

always open to the respondents to take into consideration all the necessary facts and the defence raised and thereafter pass an order. It is always open to the petitioner to challenge the said order specially since the fact remains that he earned promotion more than 7 years back. However, on account of the long posting on the promotional post, this Court feels that in case any adverse order is to be passed against the petitioner, he is entitled for protection for a period of at least 2 weeks so that he can approach this Court for necessary relief.

Accordingly, the present writ petition is disposed of as premature with liberty to the respondents to pass a speaking order which will be duly conveyed to the petitioner. The petitioner will not be reverted for a period of 2 weeks thereafter.

February 29, 2016
Pka

(G.S.SANDHAWALIA)
Judge