

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

Date of decision:02/12/2016

Sikander Singh

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Harinder Sharma,Advocate for the petitioner.

Mz.Sudeepti Sharma,DAG Punjab

Jaswant Singh,J(Oral)

Petitioner was promoted as Assistant Sub Inspector (Executive Clerical Branch) vide order dated 11.11.2010 (P-2). Subsequently an order dated 4.1.2011(P-4) was passed withdrawing his promotion order P-2 on the ground that there was a criminal trial (FIR No.159 dated 8.10.2001 under Sections 419,420,465,467,468,471,409 IPC, PS City Faridkot) pending wherein he alongwith others police officials had been named as accused, although on the date of passing of the promotion order he stood discharged of the allegations vide order dated 12.2.2004 passed by Chief Judicial Magistrate, Faridkot, which concededly was never challenged. The petitioner after his reversion to the post of Head Constable stood retired on 30.6.2012 on attaining the age of superannuation. After the conclusion of the trial in the aforesaid FIR vide judgment dated 24.1.2013 whereby the remaining accused stood acquitted the petitioner filed present petition for directing the respondents to consider his case for notional promotion on the post of ASI with effect from 11.11.2010.

claim of the petitioner. However, at the time of hearing it is conceded position that vide order dated 2.2.2015(R/2) the petitioner stands promoted as ASI w.e.f. 11.11.2010 with notional benefits. The remaining grievance is only with regard to the payment of salary in the rank of ASI w.e.f., the date of joining pursuant to the promotion order dated 11.11.2010(P-2) till passing of the subsequent order dated 4.1.2011(P-4).

In view of the aforesaid circumstances, present writ petition is disposed of as having become infructuous with the direction to competent authority to release the salary of the petitioner in the rank of ASI for the interim period w.e.f. after passing of the promotion order and before withdrawal of the same. The needful shall be done within two months from the receipt of certified copy of this order.

02.12.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No