

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4905 of 2016
Decided on : 01.04.2016

Ashok Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.R.P.Kansal, Advocate, for the petitioner.

G.S. Sandhawalia, J. (Oral)

Petitioner challenges the order dated 10.09.2015 (Annexure P5), vide which, respondent No.4-Amrit Pal Kaur has been promoted as Senior Assistant and also seeks the relief of promotion w.e.f. 09.05.2015, with all consequential benefits.

As per the above-said order, the petitioner's case could not be considered before completion of 2 years, under Rule 18 (2) of the Punjab Civil Services (General & Common Conditions of Services) Rules, 1994 and his case was only to be considered after completing the 2 years' period since he had earlier filed an application dated 10.05.2013 that he be not considered for promotion. He had, accordingly, been debarred for 2 years, vide order dated 05.06.2013 (Annexure P2).

It is the case of the counsel for the petitioner that the said period has already expired and therefore, its currency having run out, the petitioner's case could not have been rejected for

promotion, after an expiry of 2 years, from his declining of promotion.

Notice of motion.

Mr.R.S.Sidhu, AAG, Punjab accepts notice on behalf of the respondents No.1 to 3. He has been supplied copy of the paperbook.

It is, however, not disputed that the petitioner has already filed an appeal dated 13.10.2015 (Annexure P6) before respondent No.3 against the order dated 10.09.2015. In such circumstances, this Court does not feel that it should, at this point of time, opine on the said issue, since the matter is already pending before the Appellate Authority.

Counsel for the petitioner, accordingly, submits that he would be satisfied if respondent No.3 decides his appeal, within a time-bound frame. The said request is genuine and deserves to be allowed.

Accordingly, the present writ petition is disposed of, with a direction to respondent No.3 to decide the appeal dated 13.10.2015 (Annexure P6), within a period of 2 months from the date of receipt of the certified copy of this order.

APRIL 1, 2016
sailsh

(G.S. SANDHAWALIA)
JUDGE