

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 6454 of 2016
Date of decision: 06.04.2016

Nachhttar SinghPetitioner(s)

Versus

State of Punjab and another ...Respondent(s)

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

Present: Mr. S.B. Nagpal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the benefit of promotion from the date the junior namely Krishan Pal Singh, Mangal Dass, Kundan Lal were promoted as per Annexures P-9, P-10 and P-12.

Counsel for the petitioners submits that the petitioner retired on 31.03.2010 from a Class IV post. It is submitted that this Court in ***COCP No. 86 of 2012, Harbhajan Singh vs. Sh. Husan Lal and another***, decided on 17.02.2016 (Annexure P-8) has issued directions regarding the right of promotions to the post of Senior Laboratory Attendant/Clerk or Library Restorer and the respondents were directed to review the promotion of juniors in accordance with law.

Resultantly, it is submitted that the services of the petitioner were regularized on 16.02.1979 and he is senior to one Mangal Dass, who was appointed on 23.05.1981 and is entitled for similar benefits as Mangal Das who has been deemed to be promoted as Senior Laboratory Attendant notionally w.e.f. 26.11.1985 vide order dated 24.07.2012 (Annexure P-10).

Reference is made to a similar order dated 27.11.2013 (Annexure P-11) passed in Sudesh Kumari's case whereby, the said employee has got the benefit of notional refixation after retirement.

Counsel for the petitioner submits that a legal notice dated 14.09.2014 (Annexure P-17) has been served upon the respondents for the necessary relief, wherein, details of all such employees has also been given but no action has been taken on the same. Counsel further submits that he would be satisfied if the same is decided within a time bound frame.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case and the entitlement of the petitioner, the writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 14.09.2014 (Annexure P-17) within a period of 3 months from the date of receipt of certified copy of the order. If the petitioner is found entitled to the said benefits, the same be disbursed to him within a period of one month thereafter. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

06.04.2016
shivani

(G.S. SANDHAWALIA)
JUDGE

