

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9817 of 2016
Date of decision: 30.05.2016

Tilak Raj Khanna

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. P.K. Goklaney, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner prays for promotion to the post of Administrative Officer in the quota of 3% physically handicapped persons by treating his deemed date of retirement as 28.02.2014. Resultantly, order dated 26.11.2013 (Annexure P-6) whereby, his claim for promotion was rejected on the ground that he had retired from service on 29.02.2012 and had only a right of consideration has also been challenged. The reasoning was that promotions had not been made to the post of Administrative Officer due to various reasons and no junior had been promoted and, therefore, the claim was accordingly rejected.

Counsel for the petitioner submits that there is no dispute that the petitioner retired on 29.02.2012 as Superintendent. However, in view of the judgment in *CWP No. 7233 of 2010, Bhupinder Singh vs. State of Punjab and others*, decided on 25.05.2011 he was given all financial benefits by respondent no. 2 and was deemed to have retired on attaining the age of 60 years vide order dated 30.03.2015 (Annexure P-10). It is

accordingly submitted that the reason which had weighed while passing the order dated 26.11.2013 will have to be now reconsidered since the petitioner's retirement was on 28.02.2014 being an handicapped employee.

Counsel for the petitioner submits that legal notice dated 09.09.2015 (Annexure P-15) has been filed 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 or entitlement of the petitioner, the writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 09.09.2015 (Annexure P-15) keeping in view the above facts within a period of 3 months from the date of receipt of certified copy of the order. It is made clear that the earlier order passed will not stand in the way of the petitioner at the time of fresh decision. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

30.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE