

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

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CWP-246-1994 (O&M)
Date of decision:27.11.2017

Kulwant Singh Gill (deceased) through LRs

....Petitioner

Versus

Bank of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Gaurav Sharma, for the petitioner.

Mr. C.S.Singh, Advocate for

Mr. G.S.Hooda, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

Pursuant to the order dated 04.10.2017 the respondents have filed their affidavit. In the affidavit, it is made clear that as on 14.01.1993 petitioner was not subjected to either disciplinary proceedings or criminal proceedings. Therefore, petitioner's name is required to be considered for promotion to the post of Middle Management Grade III w.e.f. 14.01.1993.

Learned counsel for the respondents submitted that in their statement of objection it is contended that inadvertently petitioner's name was considered even though his ranking was at serial no. 691 and he was not within the zone of consideration. At the same time, it was noticed that petitioner has been awarded 59 marks for the purpose of promotion. Thus material shows that petitioner's name has been shown for promotion to the post of Middle Management Grade III as on 14.01.1993. During pendency of this petition, the respondents have taken one or the other contention to defeat the right of the petitioner for promotion to the post of Middle Management Grade III. However, in support of respondents contention how the process of promotion was made in the

year 1993 is not made available to substantiate. Learned counsel for the respondents fairly submitted that records relating to promotion of the year 1993 to the post of Middle Management Grade III are not available. Undisputed facts are that petitioner's name was considered for promotion on 14.01.1993. His name was overlooked on the ground that his name was inadvertently considered. That apart he was facing disciplinary proceedings. The contentions of the respondents are not supported by any document. Therefore one has to draw inference in favour of the petitioner with reference to the fact that as on 14.01.1993 the date on which petitioner's name was considered for promotion, he was not facing disciplinary proceedings to the extent of framing of charge sheet and moreover certain marks was awarded to him. Accordingly, respondents are hereby directed to promote the deceased employee to the post of Middle Management Grade III w.e.f. 14.01.1993 and calculate difference of pay in the post of Middle Management Grade III and disburse arrears of pay and consequential benefits like difference of retiral benefits to the legal heirs of the deceased employee-petitioner along with interest @ 6% per annum within a period of 3 months from the receipt of the order.

CWP stands allowed in part.

27.11.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No