

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

CWP No. 10275 of 2016

Date of Decision: 19.07.2017

Zakir Hussain

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.L. Verma, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Jagir Malik, Advocate,
for respondent no. 4.

AMOL RATTAN SINGH, J. (ORAL)

Written statement on behalf of respondent no. 4 has been filed in Court today by learned counsel, which is taken on record.

Learned counsel for the petitioner submits that the petitioner has been acquitted in the criminal proceedings against him, as also exonerated in the disciplinary proceedings and therefore, there would be no bar to his promotion to the post of Field Kunungo.

Learned counsel for the State on instructions does not deny the same.

Consequently, this petition is disposed of with a direction that the petitioners' case for promotion to the post of field of Field Kunungo be now considered with effect from the date that he was originally considered for that post but was not promoted due to the pendency of the criminal case and the disciplinary proceedings against him.

Mr. Malik, learned counsel appearing for respondent no. 4, submits that the said respondent would not be deemed to be reverted even if the petitioner is to be promoted, there being sufficient number of vacancies existent in the cadre of Field Kunungo.

In view of the above, if the petitioner is found eligible for promotion, and there are sufficient number of vacancies against which respondent no. 4 can be retained as a Field Kunungo, obviously the competent authority would take that into consideration.

July 19, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.