

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

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**CWP No.13323 of 2017 (O&M)
Date of decision: 23.08.2017**

Jagdeep Singh & another

....Petitioners

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Jitender S.Chahal, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

CM-11700-CWP-2017

Application for placing on record the service bio-data of Junior/private respondents as Annexure P13 (Colly.) and exemption from filing certified copies of the same, is allowed, in view of the averments made in the application, duly supported by an affidavit. Same are taken on record, subject to just exceptions. Office to append the same at appropriate place.

CM stands disposed of.

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Petitioners seek directions for consideration for promotion from the date the private-respondents, who are junior to them, have been promoted as Demonstrator in Physical Education (DPE).

It is the case of the petitioners that petitioners No.1 and 2 were appointed as PTI on 28.09.2004 and 03.02.1994, respectively. In view of Rule 9 of the Haryana State Education School Cadre (Group-C) Service Rules, 1998, they have got the necessary qualifications and are liable to be considered for promotion. Private-respondents 4 to 6 are junior to petitioner No.2 and respondents No.12 & 13 are junior to petitioner No.1. It is the case of the petitioners that respondent No.2 had issued a circular that if any junior had been

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promoted and the senior not been promoted, then the case be sent for promotion, vide communication dated 11/16.09.2013 (Annexure P-8). It is submitted that the case of the petitioners was duly recommended and reference is made to pages 59 & 60 of the paperbook that regarding Isham Singh, the record was incomplete and the post was kept reserved and regarding Jagdeep Singh, he was found fit for promotion. Similarly, reference is also made to letter dated 21.11.2015 (Annexure P-10) that promotion matter of Isham Singh was pending.

Counsel accordingly, submits that a legal notice dated 09.10.2016 (Annexure P-11) has already been served upon the respondents, for the necessary relief, on which no action has been taken.

Notice of motion.

Mr.Harish Rathee, Sr.DAG, Haryana accepts notice on behalf of respondents No.1 & 2. Copy of the paperbook has been supplied to him.

Accordingly, without commenting upon the merits of the case and the entitlement of the petitioners, the present writ petition is disposed of, with a direction to respondent No.2 to consider the legal notice dated 09.10.2016 (Annexure P-11) and decide the same, within a period of 3 months. In case the relief is to be denied, a reasoned order be passed and the same be communicated to the petitioners.

23.08.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*