

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

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**CWP-25215-2012 (O&M)
Date of decision:29.09.2017**

Kuldeep Singh

....Petitioner

Versus

UCO Bank and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.Govinder Singh Brar, Advocate for the petitioner.

Mr. Aseem Rai, Advocate for respondents no. 1 and 2.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, the petitioner has prayed for direction to the respondents to consider his name for promotion to the post of Clerk on par with one Sh. Sukhdev Singh-respondent No.3. Undisputed facts are that petitioner was appointed as a Peon on 05.06.1982 whereas respondent No.3 was appointed on 05.04.1984. The respondent Bank while effecting promotion to the post of Clerk they have committed certain error in promoting the junior. Thereafter, number of litigations were filed both by the seniors to the petitioners as well as juniors to the petitioner (Sukhdev Singh and Suraj Parkash). The respondent Bank is of the view that even though, petitioner and respondents No.3 and 4 were junior to one Sh. Dharamvir instead of granting promotion to Sh. Dharamvir, promotion had been granted to one Sh.Suraj Parkash. Thereafter, in order to rectify the promotion Sh. Suraj Parkash was reverted from the post of Clerk which was the subject matter of litigation and attained finality before the Supreme Court in favour of Sh.Suraj Parkash. So also in the case of Sh. Sukhdev Singh, since Sh. Sukhdev Singh is admittedly junior to the petitioner consequently, petitioner is entitled to promotion to the post of Clerk and consequential benefits whatever has been extended to

respondent No.3-Sh.Sukhdev Singh. Therefore, respondent-Bank is hereby directed to extend promotional and other benefits to the petitioner which have been extended to Sh. Sukhdev Singh-respondent No.3 within a period of 4 months from today. If the respondent bank finds difficulty in respect of vacancy of Clerk at the relevant point of time they have no other go than creating a supernumerary post of Clerk to accommodate the petitioner who is senior to respondent No.3-Sh.Sukhdev Singh.

Accordingly, CWP stands allowed.

29.09.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE****Whether speaking/reasons:****Yes/No****Whether Reportable:****Yes/No**