

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.14523 of 2017 (O&M)

Date of Decision: 10.7.2017

Gurmail Singh & others

--Petitioners

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Namit Kumar, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J

Pleadings on record would indicate that the petitioners are presently serving on the post of Constable Armour under the Punjab Police Department.

The precise grievance raised in the instant petition is that their juniors have been promoted to the post of Head Constable Armour and the petitioners have been denied the benefit of such promotional post without any basis.

Counsel would submit that prior to 25.7.2012 the Telecommunication Branch, Finger Branch, Finger Print Bureau, Women Police Wing, Band Staff, Mounted Police, Executive Clerical Wing and Armour Wing were separate cadres. Post 25.7.2012 all the afore-noted wings/categories including Armour Wing stood merged in the General Cadre.

During the course of hearing counsel has adverted to the seniority lists placed on record as Annexures P-6 and P-7 to assert that the present petitioners have been reflected senior to the private respondents prior to merger i.e. before 25.7.2012 as also post merger in the General

Cadre.

Counsel argues that without any justifiable reasons and basis private respondents stand promoted to the post of Head Constable Armour on various dates in the year 2015/2016 but with retrospective effect between the years 2003 to 2010.

Argument raised is that such action of the department is violative of the Articles 14 and 16 of the Constitution of India.

Counsel submits that a legal notice dated 8.8.2016 (Annexure P-9) has already been served upon the respondent authorities and he would be satisfied, if, directions were to be issued to take a final decision thereupon.

The submission made by counsel is just and fair.

Accordingly, the instant petition is disposed of with a direction to respondent no.2/competent authority to consider the grievance of the petitioner and to take a final decision upon the legal notice dated 8.8.2016 (Annexure P-9) in accordance with law and by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.07.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No