

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17571 of 2017
Decided on: 09.08.2017

Mohammad Ali

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Naresh Kaushik, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J (ORAL)

Learned counsel for the petitioner submits that the petitioners' promotion has been kept pending for no reason whatsoever, because the resolution dated 01.06.2017, at agenda item no.PC(23), as far as it pertains to the petitioner, is factually incorrect, inasmuch as, there are no disciplinary proceedings pending against him and even the disciplinary proceedings which were earlier initiated against him, were quashed by the Civil Court vide its judgment and decree dated 20.02.2013, a copy of each of which has been annexed as Annexures P-1 and P-2 respectively, with the petition.

In respect of the petitioners' grievance, a legal notice is stated to have been served on his behalf, upon the respondents, on 02.07.2017, a copy of which has been annexed as Annexure P-8 with the petition.

Consequently, at this stage, this petition is disposed of with a direction to the competent authority amongst the respondents to take a decision on the aforesaid legal notice, within a period of 2 months from the date of receipt of a certified copy of this order, by passing a speaking order.

If, indeed, the petitioners' contention that there are no disciplinary proceedings pending against him, is found to be correct, it goes without saying that he would be promoted from the date that such promotion was due to him in the normal course, i.e. from a date immediately after his immediate seniors were promoted, i.e. Rajbir Singh and Satpal Singh, provided of course, there was a vacancy available on that date. In that case, he would also be entitled to all consequential benefits.

(AMOL RATTAN SINGH)
JUDGE

09.08.2017
pk/dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No