

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

CWP No. 18030 of 2017
Date of decision: 16.08.2017

Dinesh Kumar

....Petitioner(s)

Versus

Principal-cum-Education Secretary of Haryana Education Department,
Chandigarh and others

...Respondent(s)

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

Present: Mr. R.S. Malik, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks directions under Article 226 of the Constitution of India for promotion to the post of Head Master from the date his juniors have been promoted alongwith consequential benefits.

The pleaded case of the petitioner is that he was appointed as ad hoc Hindi teacher on 07.08.1985 and thereafter his services were regularized on 30.09.1988. He was promoted as S.S. Master on 29.01.1996 and on account of getting directions from this Court to decide his legal notice, order dated 30.05.2016 (Annexure P-2), he was promoted as Elementary School Head Master. It is his case that juniors have been already promoted as Head Masters in Government High Schools on the basis of C&V category. Reference is made to table in para no. 6 of the writ petition to show that juniors appointed subsequently have been granted promotion as Head Masters of High Schools from 04.09.2013 onwards.

Counsel submits that legal notice dated 06.04.2017 (Annexure P-4) has already been served upon the respondents wherein also, the above said facts have been clearly mentioned but the same has not been decided. Counsel further submits that he would be satisfied if a direction is issued to the respondents to decide the said legal notice within a fixed time frame.

Notice of motion.

Mr. Harish Rathee, Sr. DAG, Haryana accepts notice. Copy of the writ petition has been supplied to him.

Without commenting on the merits of the case or the entitlement of the petitioner for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of with direction to respondent no. 2 to take a decision on the said legal notice dated 06.04.2017 (Annexure P-4) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the benefit is to be declined, a reasoned order be passed and the same be conveyed to the petitioner.

16.08.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No