

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

CWP No. 19064 of 2017
Date of decision: 30.08.2017

Lal Chand

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Mohit Garg, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks directions to the respondent-authorities under Article 226 of the Constitution of India to finalize the charge sheets issued under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 1987 against the petitioner keeping in view the fact that he has been exonerated by the Inquiry Officer of the charges levelled against him. Resultantly, he seeks promotion from the date his junior had been promoted vide order dated 04.08.2016 (Annexure P-3) on the ground that the subsequent DPC is also scheduled and the post be reserved.

It is the case of the petitioner that he is working as a Tehsil Welfare Officer and he was due for promotion to the post of District Welfare Officer. Reference is made to order dated 04.08.2016 (Annexure P-3) to show that his case was not considered on account of pendency of two departmental cases and wherein, it had been recorded that if the allegations levelled against him are not proved, the junior most District Welfare Officer will be reverted to the post of Tehsil Welfare Officer. It is his case that now

the inquiries have culminated in his favour on 11.07.2016 (Annexure P-1) and 30.03.2017 (Annexure P-2) but no further action has been taken by the disciplinary authority and, thus, he has been seriously prejudiced.

Counsel for the petitioner submits that representation dated 19.06.2017 (Annexure P-4) had been initially filed which was followed up by another one on 17.08.2017 (Annexure P-5) bringing this fact to the notice of respondent no. 1 but no action has been taken on the same.

Keeping in view the fact that the petitioner only is seeking a decision on his representation dated 17.08.2017 (Annexure P-5), this Court does not feel it necessary to call upon the respondents to file reply as it would only further delay the matter and no useful purpose would be served at this stage.

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 representation dated 17.08.2017 (Annexure P-5) as to whether the petitioner is liable to be exonerated or not within a period of 2 months from the date of receipt of certified copy of the order.

30.08.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No