

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

108

CWP No.20907 of 2017

Date of decision: 14.09.2017

Kharati Lal

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Sandeep Goyat, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks issuance of a writ in the nature of mandamus under Article 226 of the Constitution of India, for promoting him to the post of Superintendent, which is, allegedly due to him and for releasing all the arrears etc.

It is the case of the petitioner that he is working as an Officiating Superintendent and vide communication dated 02.07.2014 (Annexure P-1) his name was proposed for the post of Office Superintendent by respondent No.4, to respondent No.2. The matter is pending since then and even the Annual Confidential Report was forwarded on 08.04.2015, for the said purpose (Annexure P-4). A request was made on 25.01.2017 (Annexure P-8) that the petitioner was neither charge-sheeted nor any complaint was pending against him and he has the essential qualifications.

Counsel, accordingly, submits that prior to that, legal notice dated 03.08.2016 (Annexure P-11) had also been served, but no action has been taken by respondent No.2.

Notice of motion.

Ms.Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to her.

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Keeping in view the above, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply, as it would only delay the proceedings.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioner, directions are issued to respondent No.2, to take a decision on the legal notice dated 03.08.2016 (Annexure P-11) and the representation dated 25.01.2017 (Annexure P-8), within a period of 3 months from the receipt of a certified copy of this order. In case an adverse order is to be passed, same should contain reasons and be communicated to the petitioner.

14.09.2017
Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*