

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

**Civil Writ Petition No.23295 of 2017
Decided on : 11.10.2017**

Rajesh Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Gobind Dhanda, Advocate for the petitioners.

G.S. Sandhawalia, J. (Oral)

The petitioners seeks issuance of a writ in the nature of mandamus under Article 226 of the Constitution of India for promotion to the post of Assistant from the due date when they became eligible on 01.09.2014, when the respondents issued the advertisement for the said posts.

It is the case of the petitioners that they had joined as Clerks in the office of District & Sessions Judge, Panchkula as per the dates given in paragraph no.2 way back in the year 2008-2009. On account of the posts of Clerks advertised to be filled up by appointment on transfer basis in July, 2014 by respondent No.3, they had applied through proper channel in the year 2014. The appointment letter of petitioner No.2-Jagbir Singh dated 19.08.2014 (Annexure P-3) has been appended in support.

It is, accordingly, submitted that as per the Haryana Health Directorate Ministerial (Group C) Service Rules, 1983, 5 years experience as a Clerk is the requirement for promotion to the post of Assistant. It is submitted that an advertisement was issued for filling up 19 posts of Assistant on transfer basis by respondent-department in May, 2017 (Annexure P-19), whereas the petitioners legal notices dated 30.05.2017 and 02.06.2017 (Annexure P-12

colly.) have not been decided. It is further submitted that thereafter also communications dated 21.07.2017, 04.08.2017 and 21.08.2017 (Annexure P-13 colly.) have been addressed but of no avail. Reference is also made to the instructions dated 11.09.2016 (Annexure P-20) issued by the Chief Secretary, whereby the promotion cases are to be decided within a period of 3 months from the accrual of the vacancy.

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copies of the paper-book have been supplied to her.

Keeping in view the above, since the decision making process is not complete, no useful purpose will be served by calling upon the respondents to file reply,

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioners, the present writ petition is disposed of with a direction to respondent No.3 to take a decision on the said legal notices (Annexure P-12 colly.) within a period of 2 months from the receipt of the certified copy of this order.

Needless to say that, in case, any adverse order is to be passed, the same be conveyed to the petitioners by passing a speaking order.

OCTOBER 11, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No