

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 25039 OF 2017
DECIDED ON: NOVEMBER 13, 2017

KARNAIL KAUR

....PETITIONER..

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Baldev Singh Sodhi, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing respondents to consider the case of her husband -Mohinder Singh, (retired Forest Guard) for promotion to the post of Forester and Deputy Ranger from the date it was due and when his juniors were considered and promoted as well as for the grant of all consequential benefits.

2. The contention of learned counsel for the petitioner is that there were some adverse remarks in the Annual Confidential Report of the husband of the petitioner pertaining to the year 2001-02 but those stood expunged. An inquiry was also initiated against her husband during the course of his service but in that inquiry also, he stood exonerated vide order dated 15.10.2009, which was conveyed to him vide endorsement No.6621-26 dated 15.10.2010. Learned

counsel for the petitioner further contends that after having been reinstated in service, husband of the petitioner has been continuously representing the respondent and concerned authorities to consider the case for promotion but nothing favourable to the husband of the petitioner came to the fore. Unfortunately, the husband of the petitioner namely Mohinder Singh was taken away by the nature on 08.05.2015, the matter with regard to his promotion was not decided till date. Subsequent thereto, the petitioner being the widow of deceased-Mohinder Singh got served a legal notice dated 22.01.2017 (Annexure P-2) through her counsel and reply dated 22.06.2017 (Annexure P-3) has been received in response thereto. As per para 5 of the reply, it has been reported by the respondents that the promotion case of Mohinder Singh has already been sent to Conservator of Forest Shiwalik Circle vide Divisional Forest Officer Rupnagar letter No.2690 dated 10.06.2005. Though, more than a decade has passed away and subsequent thereto, husband of the petitioner also stood exonerated from the inquiry proceedings and adverse remarks in ACR has also been expunged but till date no final decision has been taken.

3. Learned counsel for the petitioner submits that petitioner feels satisfied in case direction is issued to the concerned authorities to consider the case of the husband of the petitioner within some stipulated period.

4. Taking into consideration the aforesaid aspect but without expressing any opinion on merits, respondent No.2 is directed to consider the case of the husband of the petitioner and take a conscious decision by passing a speaking order, within a period of four months positively from the date of receipt of certified copy of this order.

5. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, she shall be at liberty to approach this Court.

NOVEMBER 13, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned **Yes**

Whether reportable **Yes/No**