

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

113

CWP No.25129 of 2017

Date of decision: 06.11.2017

Naresh Pal

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Jitender Nara, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks promotion from the post of Clerk to the post of Assistant from the date his juniors had been promoted, i.e., 29.07.2017 (Annexure P-2).

It is the case of the petitioner that it is on account of an adverse entry made, which was communicated to him on 11.07.2017 (Annexure P-5) against Clause No.15, he has been left out for consideration. Reference in the said clause has been made to one attempt of fraudulent payment of Gratuity of one Smt. Darshana Kumari. It is his case that in the said incident, the Enquiry Officer had already decided in his favour on 07.06.2013 (Annexure P-4) as the identification had not been made in a proper manner of the deceased and the petitioner had recommended that the Pay Order will be marked 'Account Payee' only. It is his grouse that he has served a legal notice dated 16.08.2017 (Annexure P-7) for the redressal of his grievance, on the ground that juniors had been promoted and he has been left out on account of the adverse entry made in the ACR of 2010-11. It is further his case that the factor of pendency of departmental proceedings also finds mention in Clause 3 of the promotion order (Annexure P-2). It is further averred that the petitioner has good record, as per averments made in para No.13 of the writ petition. Counsel, thus, submits that petitioner would be satisfied if the said representation is decided within a time-bound frame.

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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.

Keeping in view the fact that the respondents are yet to take a decision on the said legal notice, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioner, as such and keeping in view the above, it would be appropriate if respondent No.2 takes a decision on the said legal notice dated 16.08.2017 (Annexue P-7), within a period of 2 months from the receipt of a certified copy of this order. It shall also be open to the petitioner to file a comprehensive representation, within a period of one week from today, against the communication of the adverse entry dated 11.07.2017 (Annexure P-5) on similar grounds, as agitated before this Court and the same shall also be decided with the above-said legal notice, by passing a speaking order.

06.11.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*