

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4263-2017 (O&M)

Date of decision: 07.03.2017

Nirmaljit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.K.Arora, Advocate for the petitioner

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

The short prayer of the petitioner is that earlier, he was denied promotion from the date his juniors were promoted. This Court in CWP No.26198 of 2013 decided on 29.11.2013 titled as Nirmaljit Singh vs. State of Punjab and others (Annexure P3) had directed the petitioner to make a representation and respondent no.1 was directed to decide the same in accordance with law by passing a speaking order. Now, the said representation has been decided vide orders dated 25.2.2014 (Annexure P5) and dated 14.3.2014 (Annexure P6), vide which, the petitioner has been promoted w.e.f. 16.5.2012. However, the orders are silent as to whether the petitioner will be entitled to the salary from 16.5.2012 till the passing of the orders? Petitioner had already made a representation dated 14.7.2016 (Annexure P11) regarding non-release of arrears of salary on account of promotion.

In the circumstances, it is deemed proper that department should

be given an opportunity to decide whether according to the department, the petitioner is entitled to salary from 16.5.2012 or not? In these circumstances, the present petition is disposed of with directions to respondent no.1 to consider representation 14.7.2016 (Annexure P11) and decide whether the petitioner is entitled to the salary and other consequential benefits from the date he stood promoted i.e. 16.5.2012. Respondent No.1 is directed to hear the petitioner and consider the case law produced by him before passing a speaking order. Let the speaking order be passed within three months from the date of appearance of the petitioner before respondent no.1 along with a copy of this order.

07.03.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No