

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

CWP No.543 of 2017 (O&M)

Date of Decision: 16.01.2017

Inspector Indervir Sharma and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashwani Prashar, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed seeking writ in the nature of mandamus to be issued to the respondents to decide the representation/legal notices of the petitioners to refix their seniority as claimed by them in the said representation/legal notices.

The petitioners herein are working as Inspector in the Punjab Police and being distinguished sportsmen, were recruited in the sports quota. A special cadre was created for the petitioners and other similarly situated persons. As per notification dated 18.05.2011, it was decided that these posts created would be of dying cadre and in case the person from this cadre is promoted, his post would be abolished. It was further decided vide memo dated 14.06.2011 that this system would continue upto promotion to the post of DSP and thereafter, they would be considered for seniority. It was also decided that if an official of general cadre is working on the post of

Inspector and a sports person appointed on the same date is available and both the officials fulfill the qualifications prescribed in the rules, then both are to be promoted to the post of DSP on the same date, but the difference would only be that the official of general cadre would be appointed on his own seniority against the sanctioned post and Inspector on sports quota on promotion by abolishing his post of Inspector automatically and creating a post of DSP would be promoted on that post. The petitioners, who became entitled for promotion to the post of DSPs served legal notices dated 22.06.2016, 06.07.2016 and 10.08.2016 upon the respondents for consideration as per memo, however, since the said legal notices were not decided, it was followed by representation dated 03.01.2017. The petitioners, herein, alleged that despite legal notices having been served upon the respondents, to date, the same had not been decided and they have been deprived of the opportunity of promotion to the post of DSPs, as per notification dated 18.05.2011.

Mr. Ashwani Prashar, Advocate, at the very outset limits his prayer against the respondents to decide the representation/legal notices of the petitioners as expeditiously as possible.

I have heard learned counsel for the petitioner and in view of the limited prayer, I dispose of the writ petition by directing respondents to decide the representation of the petitioners as expeditiously as possible. The petitioners are directed to file their fresh representation along with certified copy of this order within two weeks from the date of receipt of certified copy of this order. The respondents herein are directed to dispose of the said representation preferably within a period of three months from

the date of receipt of the said representation along with certified copy of the order. In case, the claim of the petitioners is found to be genuine, all necessary consequential benefits be released as well within a period of a month thereafter.

The petition stands disposed of accordingly.

January 16, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No