

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

**CWP No.7977 of 2017 (O&M)
Date of decision:10.07.2017**

Jaskaran Singh

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Madhav Pokhrel, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the Director, Public Instructions (Secondary Education), Punjab to endorse the promotion order of the petitioner from the post of Art and Craft Teacher to that of Social Studies Master.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

The order dated 18.03.2016 placed on record at Annexure P-1 is stated to have been downloaded by the petitioner from the the website. Counsel concedes that such order has not even been endorsed till date. Be that as it may, condition No.6 contained in such order clearly states that in the event of any complaint/inquiry/Court case, the concerned incumbent would not be allowed to join on the place of posting upon promotion.

Concededly, a charge sheet dated 15.04.2014 (Annexure P-2) was served upon the petitioner. The petitioner had earlier approached this

Court by filing CWP No.20306 of 2016 seeking directions to the respondent-authorities to conclude the departmental proceedings against the petitioner and initiated vide charge sheet dated 15.04.2014. Such writ petition was disposed of by a Coordinate Bench of this Court in the light of order dated 29.09.2016 directing the respondents to take a decision on a legal notice dated 06.03.2016 that had already been served through counsel.

Counsel in support of the prayer made in the instant petition places reliance upon an order dated 30.11.2016 (Annexure P-6) to submit that the matter of charge sheet has since been finalized and as such, there would be no impediment in issuing the promotion/posting orders of the petitioner on the post of Social Studies Master.

In the considered view of this Court, prayer of the petitioner at this stage cannot be accepted.

The order dated 30.11.2016 at Annexure P-6 clarifies that after conducting the inquiry, the Inquiry Officer has submitted a report and in which the petitioner had been held guilty.

The petitioner is unable to apprise this Court as regards the proceedings that have been taken place after submission of the inquiry report.

Counsel submits that the inquiry report has not been supplied to the petitioner and he is not aware of any orders that may have been passed by the Disciplinary Authority based on the inquiry report.

In the light of such situation, counsel prays for withdrawal of the petition to approach the respondent-authorities to raise a claim and prayer for culmination of the disciplinary proceedings that stood initiated vide charge sheet dated 15.04.2014 (Annexure P-2).

As per submission and prayer made by counsel, petition is dismissed as withdrawn with liberty as prayed for.

10.07.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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|------|----------------------------|--------|
| (i) | Whether speaking/reasoned? | Yes/No |
| (ii) | Whether reportable? | Yes/No |