

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

**CWP No. 9399 of 2017 (O&M)
DECIDED ON: SEPTEMBER 12, 2017**

RAJNISH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Subhash Ahuja, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

CM No. 11632 of 2017

Application is allowed, as prayed for.

Additional affidavit of the petitioner is taken on record, subject to all
just exceptions.

CWP No. 9399 of 2017

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of writ in the nature of mandamus directing the respondents to prepare/circulate inter se functional seniority/ranking list of staff reporters (Even if promoted to Higher post) vis-a-vis other categories of employees for purpose of promotion to posts of District Information & Public Relations Officer on the basis of continuous length of service on the feeder posts as per service Rules and also consider and promote the petitioner on post of District/Information & Public Relations Officer w.e.f.

01.08.2015 in terms of Government Instructions dated May 20, 2010 (Annexure

P-8) with all service benefits without any further delay; and for the grant of other reliefs as prayed for through instant petition.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on attaining the age of superannuation on May 31, 2016 but prior to that the post of District Information & Public Relation Officer fell vacant w.e.f. August 01, 2015 but the case of the petitioner was not considered for promotion despite the fact that a number of representations were moved by him in this regard to the concerned authority. At the last, respondents have declined the claim of petitioner lodged by him, vide letter dated November 30, 2016 (Annexure P-9) without considering various instructions as well as law settled by Hon'ble Apex Court on the point. However, at this stage, he feels satisfied in case a direction is issued to respondent No.2 to re-consider the claim of the petitioner for promotion as District Information & Public Relation Officer and to decide his representation dated March 24, 2015 (Annexure P-6) afresh.

3. Accordingly, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in his representation (Annexure P-6) and take a conscious decision in accordance with law, rules, instructions issued by the Government from time to time as well as in view of judgment of Hon'ble Apex Court rendered in the case of **H.M. Singh (Major General), VSM vs. Union of India and another; 2014 (2) RSJ 707,** within a period of four months from the date of certified copy of this order.

SEPTEMBER 12, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>