

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

CWP No. 9010 of 1999 (O&M)

Date of decision: 23.01.2018

Nobat Rai and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Aruna Sachdeva, Advocate for the petitioner.

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Ms. Anju Arora, Advocate for respondent Nos. 2 & 3.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioners seek quashing of order No.7 dated 03.05.1999 (Annexure P-3) and order No.6880-92 dated 04.03.1999 (Annexure P-2), whereby respondent No.2 had promoted respondent Nos. 4 to 7 from the post of Clerk to Senior Clerk and respondent Nos. 8 & 9 from the post of Senior Clerk to Assistant ignoring the seniority of the petitioners.

The petitioners who belong to Scheduled Caste category had joined as Clerks in the Punjab State Forest Development Corporation Ltd., Ferozepur/Phillaur Division in the month of November, 1986. The main grievance of the petitioners is that the persons belonging to Scheduled Caste category as well as the general category junior to the

petitioners had been promoted after giving the seniority of the petitioners. As per record, petitioner No.1 was suspended on 03.04.1997 on account of his absence from duty but during the course of enquiry, he was exonerated of the alleged charge. She further states that petitioner No.1 was declined promotion due to adverse remarks in his ACRs for the year 1990-91, 1991-92 and 1992-93, which had been expunged by the competent authority, whereas, against petitioner No.2 there was an adverse remark in ACR for the year 1994-95, however, she was deprived of the benefit only for sole adverse remarks.

Learned counsel for respondent Nos. 2 and 3 admits the above factual aspect of the matter and contends that the petitioners have been promoted and all the benefits have been released in favour of the petitioners.

I have heard the learned counsel for the parties and have gone through the record carefully.

Keeping in view the the statement made by learned counsel for respondent Nos. 2 and 3 and undisputed factual position, the present petition is allowed. The petitioners be deemed to be promoted from the date when their juniors were promoted. The respondents are directed to release all remuneration, if not paid, to the petitioners within three months from the date of receipt of certified copy of the order.

23.01.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No