

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19940 of 2015

Date of Decision: 31.08.2018

Karam Singh

... Petitioner

Versus

Bhagat Phool Singh Mahila
Vishwavidyalaya, Khanpur Kalan,
Distt. Sonapat and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Yesh Paal Malik, Advocate,
for the petitioner.

Mr. Tribhuvan Dahiya, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner's case for promotion as Assistant in the office of the respondent-University was held up with the University asking for a clarification from the Haryana Government whether it would be fit to promote the petitioner as Assistant during pendency of criminal case lodged against the petitioner by his wife in a matrimonial dispute. And till such time the reply was not received, the University advised that his promotion case be kept in abeyance. The reply of the Government came asking the University to process the case of the petitioner as per University rules. The State had nothing to do with it.

2. Mr. Malik says that a compromise has been entered between the petitioner and his wife in case FIR No.234 dated October 19, 2012 registered at Police Station Sadar, Gohana under Sections 498-A, 323 and 506 IPC. Being essentially a matrimonial dispute, the same would not have

any bearing on the promotion since the petitioner had committed no misconduct arising out of and in the course of employment. Even if the FIR is not cancelled by trial court, the right of consideration would subsist from the beginning. By adopting this awkward course the University has wasted much of the petitioner's time without any legal justification in withholding the case of promotion. The culpable delay caused by criminal case and exchange of unnecessary correspondence with the Government requires immediate corrective measures to be adopted to restore the lost past to the petitioner from the time and place where the manifest error was committed by the University administration.

3. In view of the above position, this petition deserves to be accepted with a direction in the nature of mandamus issued to the University to consider the case of the petitioner for promotion from the due date when his junior was promoted (P-28). The exercise shall be completed within two months from supply of this order. On promotion, the petitioner shall be granted all consequential benefits flowing therefrom.

(RAJIV NARAIN RAINA)
JUDGE

31.08.2018
manju

Whether speaking/reasoned *Yes*

Whether reportable *No*