

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18144 OF 2018
DECIDED ON: JULY 25, 2018

PIARA SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Arora, Advocate for the petitioner.

JASPAL SINGH, J.(Oral)

By virtue of instant petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari quashing the action of respondents No.1 & 2 in not granting the due promotion on the post of Superintendent Grade II (Group B Service) in place of respondent No.3, despite the fact that petitioner was found eligible in DPC held on 19.01.2016 and respondent No.3 was held not eligible on account of currency of punishment order dated 11.01.2016 and further quashing of order dated 04.02.2016 whereby punishment order dated 11.01.2016 has been reviewed and set aside without any jurisdiction and also quashing of order dated 19.02.2016 whereby respondent No.3 has been granted promotion.

2. The contention of learned counsel for the petitioner is that respondent No.3-Harpal Singh was promoted out of the way and ignoring the settled principles of service rules as well as legal proposition vide order dated 19.02.2016 (P-6) passed by Chief Soil Conservator, Punjab-respondent No.2,

that too, after exonerating respondent No.3 from the punishment of stoppage of two annual increments with cumulative effect imposed upon him vide order dated 04.02.2016 (P-5). He further contends that challenging the action of respondent No.2 by way of passing the impugned orders dated 04.02.2016 (P-5) and 19.02.2016 (P-6), petitioner has preferred a representation-cum-appeal dated 17.08.2017 (P-9) before the Additional Chief Secretary, Government of Punjab, Department of Agriculture, Civil Secretariat, Chandigarh but despite the fact that a period of more than 10 months has expired, no conscious decision has been taken on the aforesaid representation/appeal preferred by the petitioner till date.

3. At this juncture, learned counsel for the petitioner submits that petitioner feels satisfied in case direction is issued to respondent(s) to take a final decision on the representation/appeal preferred by the petitioner in some stipulated period.

4. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent(s) to finalize the representation/appeal dated 17.08.2017 (P-9), within a period of 4 months from the date of receipt of certified copy of this order. In case, petitioner still feels aggrieved against any of the order(s) passed by the concerned authority, he shall be at liberty to have recourse to the remedies available under law as well as to approach this Court.

JULY 25, 2018
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(JASPAL SINGH)
JUDGE

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