

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3364-2014

Date of decision : 21.08.2018

Ramesh Kumar and another

...Petitioner(s)

Vs.

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Raman Sharma, Advocate for the petitioners.

Ms. Deepali Puri, Addl.A.G., Punjab.

Mr. Sanjeev Goyal, Advocate for respondent Nos.3 to 5.

JITENDRA CHAUHAN, J.

The petitioners are aggrieved against the office order dated 03.12.2012 (Annexure P-14), whereby, persons junior to them have been promoted to the post of SDO after ignoring the claim of the petitioners.

Learned counsel for the petitioners states that the case of the petitioners is covered by the ratio of law laid down in *State of Punjab Vs. Arun Kumar Aggarwal, 2007(3) S.C.T. 136; Surinder Singh & another Vs. State of Punjab & others, SLP(C) No.13545 of 2013 decided on 21.07.2017; and Sandeep Kumar and others Vs. State of Punjab and others, 2017(1) S.C.T. 779.*

Learned counsel for the petitioners states that at this stage, he

would be satisfied, if a direction is issued to respondent No.1-Principal Secretary, Irrigation Department, Punjab Mini Secretariat, Sector 9, Chandigarh to examine the case of the petitioner in the light of the case law cited and letter dated 28.03.2018 issued by Secretary Irrigation, Punjab Mini Secretariat, Sector 9, Chandigarh addressed to the Chief Engineer Canals, Irrigation Punjab, Sector 18, Chandigarh, which is taken on record as Mark 'A'.

Learned State counsel has no objection to the suggestion put forth by learned counsel for the petitioner.

Heard.

In view of the above, without advertng to the merits of the case, the present petition is disposed of with a direction to respondent No.1-Principal Secretary, Irrigation Department, Punjab Mini Secretariat, Sector 9, Chandigarh, to consider and decide the case of the petitioner in the light of the judicial pronouncements and letter Mark 'A' referred to hereinabove and take a final view within six weeks from the date of receipt of a certified copy of the order. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioners is admissible to them, in such eventuality, the consequential relief be allowed to them, within a period of four weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioners is not admissible to them or made out, in that case, a speaking order be passed in the matter, after

affording opportunity of personal hearing to the petitioners and the petitioners shall also have the liberty to revive the instant petition or file afresh.

21.08.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No