

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 30529 of 2018
Date of Decision : 03.12.2018

Birbal Singh Saini

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioner is claiming that he is entitled for promotion from the date when his juniors were promoted.

As per the averments made in the petition, a charge-sheet was served upon the petitioner on 07.10.2014. Thereafter, certain persons who were juniors to the petitioner were promoted to the next higher post and the petitioner was denied of the said promotion on the ground that a charge-sheet is pending against him. The petitioner retired as Junior Engineer on 31.07.2016. After the retirement on 03.10.2017, the petitioner has been awarded a punishment of censure, which is a minor punishment. The petitioner claims that as he has been awarded a minor punishment, the same will not be an impediment for promoting him w.e.f. the date his juniors were promoted.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present petition, the petitioner has served the

respondents with a legal notice dated 04.09.2018 (Annexure P-6) and the petitioner will be satisfied at this stage in case a time bound direction is given to the respondents to decide the legal notice by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioners in respect of the claim prayed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioners in the legal notice dated 04.09.2018 (Annexure P-6) within a period of three months from the date of receipt of certified copy of this order.

The writ petition stands disposed of.

December 03, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*