

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

CWP No.4213 of 2018
Date of decision: 21.02.2018

Priyanka

... Petitioner

Versus

Chandigarh Administration and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Aman Chaudhary, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. Suvir Sehgal, Senior Standing Counsel, UT Administration with Mr. Tarun Walia, Advocate, and Ms. Deepali Puri, Advocate, present in Court, accept notice on behalf of respondent No.1 and respondents No.2 to 4, respectively. Copies furnished.

For the nature of order I propose to pass in the matter, no formal written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

The petitioner is employed as Junior Engineer with the respondent-department, and is currently working in the B&R Branch of the Municipal Corporation, Chandigarh. Under the Rules, the next promotion from Junior Engineer is to the post of Sub Divisional Engineer (SDE), and 50% of the posts of SDE are filled by way of direct recruitment, and the rest 50% by way of promotion. Further, the next promotion from the post of Sub

Divisional Engineer is to the post of Executing Engineer, and the recruitment thereto is 100% by way of promotion. The limited grievance that the petitioner has is; that he is not only eligible, but also the senior-most Junior Engineer as per the tentative seniority list. And one post of Sub Divisional Engineer in the 50% promotion quota, had fallen vacant on 30.09.2017. And the other would fall vacant on 28.02.2018. Although, the respondents have not initiated the process to consider the claim of the promotees for promotion to the post of SDE, but the advertisement has been issued to make appointments by way of direct recruitment. It is urged, that in the event the direct appointments are made, ignoring the claim of the promotes, that could impact their interest and chance for further promotion to the post of Executive Engineer. The petitioner purports to have represented to the respondents in this regard vide representation dated 11.10.2017 (Annexure P8). And in response thereto, the Additional Commissioner, Municipal Corporation, Chandigarh, vide letter dated 01.12.2017 (Annexure P9) had sought the necessary approvals from the Chief Engineer, Municipal Corporation, Chandigarh, to consider her case for promotion to the post in question. But thereafter the matter has not made any tangible progress. Even the representation dated 16.02.2018 (Annexure P11), the respondents have been served with, has failed to evoke any response.

In response, learned counsel for the respective respondents submit that the claim/grievance of the petitioner, as also her representation dated 16.02.2018 (Annexure P11), shall be considered and dealt with within a period of three weeks from today. And appropriate orders, in accordance with law, shall be passed and communicated to the petitioner.

The petition is accordingly disposed of in the above terms.

In the event the claim of the petitioner is declined, the respondent authority, after affording an opportunity of hearing to the petitioner, shall pass a comprehensive order, assigning reasons in support thereof.

21.02.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO