

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

Sr. No.114

Civil Writ Petition No.4564 of 2018
DECIDED ON: February 26, 2018

PRABHA SHARMA

..PETITIONER

VERSUS

**HARYANA URBAN DEVELOPMENT AUTHORITY NOW
HARYANA SHAHARI VIKAS PRADHIKARAN, HSVP OFFICE
COMPLEX, C-3, SECTOR 6, PACNHKULA**

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to promote him to the post of Assistant along with consequential benefits including fixation of pay, revision of pension, arrears etc. along with interest @ 18% per annum w.e.f. 16.06.2011 i.e. the date from which his junior namely Sh. Kailash Chand has been promoted AND further directing the respondent-Department to decide the legal notice dated November 21,

Civil Writ Petition No.4564 of 2018

2017 (P-11) by passing a speaking order on the same in a specific time frame after providing an opportunity of hearing to him.

2. The contention of learned counsel for the petitioner is that earlier petitioner filed CWP No.17115 of 2011, which was disposed of vide order dated March 19, 2015 vide which, respondents were directed to consider the claim of the petitioner from the due date on the basis that she had three years experience as a Clerk and necessary exercise be conducted within two months and same be released within a period of one month thereafter. Since no action was taken in compliance of the judgment dated March 19, 2015, petitioner was constrained to file a contempt petition bearing COCP No.272 of 2016. Respondent-Department challenged the aforesaid judgment before the Division Bench of this Court by way of LPA No.1936 of 2016, which was dismissed on September 28, 2016. Aggrieved against the order dated September 28, 2016, respondent-department filed Special Leave to Appeal No.7198 of 2017 before the Hon'ble Apex Court, was met the same fate vide order dated April 10, 2017. Vide order dated July 29, 2016, petitioner was promoted w.e.f. October 25, 2007, the date when her junior namely Sh. Kailash Chand was promoted. But subsequently petitioner has not been promoted as Assistant though her junior namely Sh. Kailash Chand was promoted to the said post vide order dated June 16, 2011. Again the petitioner served the legal notice dated November 21, 2017 (P-11) but till date it did not fetch any response. Further, petitioner feels satisfied in case a direction is issued to respondent to decide the legal notice dated November 21, 2017 (P-11) in a time bound manner.

Civil Writ Petition No.4564 of 2018

3. Instant petition is disposed of with a direction to respondent to look into the grievances unfolded by the petitioner in the aforesaid legal notice dated November 21, 2017 (P-11) and to take a conscious decision by passing a speaking order as per rules, regulations and instructions issued by the Government from time to time, within a period of four months from the date of receipt of a certified copy of this order. In case, non compliance of this order, petitioner shall be at liberty to approach this Court.

February 26, 2018

Ankur

Whether speaking/reasoned

Whether reportable

Yes

Yes/No

**(JASPAL SINGH)
JUDGE**