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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6818-2018

Date of decision-19.03.2018

Amit Khanna

...Petitioner

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Dr. RPS Girwar, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing respondent No.2 to make ad hoc arrangement till the regular person is to be promoted from institution employees as per the service rules.

Learned counsel for the petitioner states that claim of the petitioner, who is Lower Division Clerk (LDC)/Data Entry Operator, is not being considered for promotion to the post of Upper Division Clerk (UDC) which is a promotional post. He states that without conversion of the post in question, it is proposed to be filled by direct recruitment (Annexure P-7) in violation with Recruitment & Promotion Rules, 2003 (Annexure P-1). Further, he states that at this stage he would be satisfied, if a direction is issued to respondent No.5- Principal, Institute of Hotel Management, Industrial Growth Centre, Mansa Road, Bathinda to consider and decide the representation dated 22.12.2016 (Annexure P-4).

Heard.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.5-Principal, Institute of Hotel Management, Industrial Growth Centre, Mansa Road, Bathinda to consider and decide the representation dated 22.12.2016 (Annexure P-4) within six weeks from the receipt of the certified copy of the order. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible to him or made out, in that case, a speaking order be passed in the matter.

Till decision on Annexure P-4 by the competent authority, respondents are directed not to fill up the post in question in pursuance of advertisement dated 24.12.2017 (Annexure P-7).

(JITENDRA CHAUHAN)
JUDGE

19.03.2018

atul sethi/vanita

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