

CWP No. 8420 of 2018
DECIDED ON: APRIL 05, 2018

KANWAL AHUJA

.....PETITIONER

VERSUS

HARYANA VIDYUT PARSARAN NIGAM LTD AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Shvetanshu Goel, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

Through the instant petition, petitioner has sought a writ in the nature of mandamus directing the respondents to grant him the deemed date of promotion to the respective post of, SSA, Junior Engineer and JE-1 from the date when junior reserved category candidate namely Bidhu Singh was given promotions and re-fix/step up of his pay accordingly and also to release the entire benefits with interest.

2. The contention of learned counsel for the petitioner is that the petitioner is entitled to grant the deemed date of promotion to the promotional post but the said benefit as well as the notional benefit of stepping up and fixation of pay and allowances were not given to the petitioner without any reason. However, this Court in CWP No. 17280 of 2011 titled as **“Prem**

Kumar vs. State of Haryana & others” while quashing the instructions dated

16.03.2016 issued by the State of Haryana has held that the general category employees are entitled for deemed date of promotion from the date when junior of Reserve category employees were given promotion and also held that the General category employees are entitled for stepping up of their pay from the date when junior of Reserve category candidate was given promotion along-with consequential reliefs. Petitioner was constrained to serve legal notice dated 20.11.2017 (P-3) upon the respondents but till date neither any reply has been received from the authorities nor any conscious decision has been taken, despite the fact that a period of more than four months has been elapsed. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to consider and decide the afore-said legal notice within some stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.2-Chief Engineer (Admn.), Haryana Vidyut Parsaran Nigam Ltd, Panchkula, to look into the grievances unfolded by the petitioner in the legal notice dated 20.11.2017 (P-3) and to decide the same in accordance with law, rules, regulations and instructions issued by the government from time to time within a period of four months from the date of receipt of certified copy of this order. In case, petitioner feels aggrieved by any in-action of the respondents, he shall be at liberty to have recourse to other remedies available to him under law, including to approach this Court.

APRIL 05, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*