

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-938-2019 (O&M)

Date of Decision:-16.01.2019.

Hoshiyar Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

ARUN MONGA, J. (Oral)

The petitioner is working as Head Constable and is aggrieved by rejection of his claim for grant of seniority w.e.f. 2006. The same has been denied to him on the ground that since he has been declared permanent low medical category, he is disentitled for seniority as per his claim. Pursuant thereto, the petitioner submitted a representation dated 10.10.2016 (Annexure P-6). While considering the case of the petitioner vide office Memorandum dated 14.10.2016 (Annexure P-7), it has been observed that due to lack of information, it is not possible to process the case of the petitioner.

2.) Learned counsel for the petitioner points out that vide standing order No.04/2002, exemption has been granted for promotion to the officials of Central Paramilitary Forces, who are injured/hurt during active Government duty. It is the case of the petitioner that he was relegated to

lower medical category owing to his active Government duty and, therefore, is entitled to grant of seniority w.e.f. 2006. Based on said premise, the petitioner caused issuance of a legal notice dated 23.05.2017 (Annexure P-9A). Learned counsel for the petitioner contends that the said legal notice has not been dealt with appropriately and the same has been replied by a Section Officer of the respondents. Even though, the comments of the Section Officer on his legal notice were conveyed to him by the Commandant vide his letter dated 5.10.2017 (Annexure P-10).

3.) Keeping in view the contentions of the learned counsel for the petitioner as also the contents of the writ petition, I am of the view that the present petition can be disposed of without issuance of notice and without further pleadings or proceedings. In the circumstances, the respondents are directed to pass a speaking order by a competent authority keeping in view the contentions of the learned counsel for the petitioner as noted above as also the contents of the present writ petition by treating the same as a supplementary representation. Let the needful be done within a period of 2 months from the date of receipt of certified copy of this order.

4.) Disposed of accordingly.

(ARUN MONGA)
JUDGE

January 16, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.