

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2808 of 2019

Date of Decision : 01.02.2019

Harpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, claim of the petitioner is that the personnel, who were junior to him, were promoted as Head Warders but the said benefits were denied to the petitioner on the ground that there was an FIR No. 121 dated 08.07.1992 under Sections 223 and 224 of IPC registered against him.

Learned counsel for the petitioner states that though the petitioner was acquitted of the said charges, still the promotion was not given to the petitioner. Counsel for the petitioner is unable to explain the delay in approaching this Court as the petitioner was acquitted of the said charges in the year 1999 and the present writ petition has been filed claiming the benefit only in the year 2019 after a period of approximately 20 years.

Learned counsel for the petitioner states that the petitioner will not claim arrears in case the said benefit is granted to the petitioner by the

respondents. He further states that for the relief mentioned above, the petitioner has represented to the respondents vide representations dated 07.04.2004 and 09.03.2012 (Annexure P-6) (Colly), which have not been decided by the respondents so far and the petitioner will be satisfied in case the respondents are directed to decide those representations by passing an appropriate order in a time bound manner.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the representations, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the representations dated 07.04.2004 and 09.03.2012 (Annexure P-6) (Colly) within a period of three months from the date of receipt of certified copy of this order.

In case the petitioner is found entitled for the relief as being claimed, the petitioner shall only be granted notional promotion and notional fixation and no arrears shall be granted to the petitioner till the filing of the present writ petition as undertaken by the petitioner hereinbefore.

The writ petition stands disposed of accordingly.

February 01, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No