

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

CWP No. 6281 of 2019

Date of Decision: 08.03.2019

Pushwinder Kumar

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Barjesh Kumar Sharma, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has approached this Court for a direction to the respondents to temporarily promote him against the 10th post lying unconsumed for the reason that one Smt. Harshdeep Kaur has been charge-sheeted and her case for promotion was placed in sealed cover.

The petitioner is next below to Harshdeep Kaur in seniority. When Harshdeep Kaur's case was considered for promotion and her name kept in sealed cover 9 senior officials were promoted to the post of Superintendent Grade-2/AFSO/Sr. Auditor as per option. According to information, disciplinary proceedings against Harshdeep Kaur are pending for the last 1 ½ years without conclusion and, therefore, the petitioner has approached this Court under Article 226 of the Constitution of India praying for a writ of mandamus to the authorities to consider his case for promotion subject to result of the enquiries pending against Harshdeep Kaur as the request is in line with

administrative precedent in the Department itself placed at Annex. P-6.

The same may be applied to his case as well.

In the circumstances, I deem it appropriate to order that instead of issuing notice of motion to the respondents and receiving their reply, a direction deserves to go to the competent authority to consider the case of the petitioner for temporary promotion subject to outcome of the disciplinary case against Harshdeep Kaur. In case the petitioner is offered promotion as an *ad- hoc* measure. The Department would keep in view the exigencies of the administration. It may be recorded in the office orders in the event of promotion that the petitioner shall be liable to reversion. If the sealed cover on opening is found in favour of Harshdeep Kaur, then she can be promoted and the petitioner would then have no grievance against such action nor claim any rights from the arrangement, if made, meanwhile.

Accordingly, the petition is disposed of with a direction to the authority to consider the legal notice of the petitioner dated 30.01.2019 (Annex. P-7) within a week from the date of supply of a certified copy of this order.

(RAJIV NARAIN RAINA)
JUDGE

08.03.2019

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*