

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

CWP No. 7863 of 2019

Date of Decision : 25.03.2019

Hardev Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narinder Pal Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present case, the claim of the petitioner is that the petitioner was senior to one Sh. Hardev Singh in the Cadre of Clerk. In preference to the petitioner, by granting the benefit of reservation, Sh. Hardev Singh was promoted as Superintendent Grade-I on 16.03.1993, whereas the petitioner, who though was senior to him, was promoted on his own turn on 26.10.1999.

Learned counsel for the petitioner states that as per the Instructions issued by the respondents that the General Category Candidate will again become senior over the Reserved Category Candidate, who was promoted on the basis of reservation and the General Category Candidate will be entitled for stepping up of his/her pay equivalent to the said junior Reserved Category Candidate, the claim of the petitioner is not being considered for the grant of said benefit though the petitioner is fully eligible

for the grant of the same.

Learned counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 19.09.2018 (Annexure P-6) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the relief claimed in the present writ petition or in the legal notice, 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 legal notice dated 19.09.2018 (Annexure P-6) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

March 25, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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