

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

**C.W.P 11414 of 2019
Date of decision : 02.05.2019**

Head Constable Satbir SinghPetitioner
versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.N. Yadav, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner is seeking issuance of a writ in the nature of Mandamus directing the respondents to promote him on the post of ASI as per his service record.

The petitioner is working as Constable since 03.10.1989 and was promoted to the post of Head Constable in the year 2006. F.I.R No. 69 dated 28.03.2006 under Section 420/467/468/471/120-B IPC at P.S. City Narnaul was registered against petitioners and subsequently, in the preliminary departmental enquiry, the petitioner was exonerated. In the criminal case as well, the petitioner was not charge sheeted. Subsequently the petitioner was issued show cause notice under Rule 16.28 of PPR after 05 years of the incident. The petitioner was awarded punishment of stoppage of three annual increments with permanent effect. The petitioner filed appeal against this order, which was also dismissed. However, the petitioner then filed CWP No. 13207-2012 which was partly allowed and order dated 25.05.2012 was set aside and the matter was remanded back to pass fresh order. But the appeal of the petitioner was again rejected and

petitioner filed CWP No. 14397-2015, which was admitted.

The grievance of the petitioner before this Court is that the petitioner was awarded punishment of stoppage of three annual increments in the year 2011 and as per law, the currency of punishment is over in the year 2014. The petitioner is thus entitled for promotion and the remaining entire service record of the petitioner is good.

In this regard, petitioner has served legal notice dated 20.02.2019 (P-5) but no action has been taken till date.

Without expressing any opinion on the merits of the case, this petition is being disposed of by giving direction to respondent No. 3 to consider the case of the petitioner that whether he is eligible for promotion as per law and thereafter pass appropriate orders on the legal notice dated 20.02.2019 (P-5). It is further clarified that this Court is not directing respondent No. 3 to promote the petitioner if he is not eligible. This exercise shall be completed within a period of six months from the date of receipt of certified copy of this order.

May 02, 2019

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No