

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

CWP-11795-2019

Date of decision: - 06.05.2019

Balwinder Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.K. Arora, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioners is that on 13.09.2012, the respondents decided to initiate the process for promotion in respect of the vacancies which are lying vacant in the cadre of Senior Assistant and the record of 24 persons in seniority was requisite. The said action of the State was challenged by certain persons by filing CWP No.21248 of 2012 titled as 'Jaskirtan Kaur and others Vs. State of Punjab and others'. Though, notice was motion was issued in the said petition, but there was no interim order which was granted by the Court so as to stop the process of promoting personnel against the 24 posts of Senior Assistants, which were lying vacant in the month of September, 2012. Petitioners retired from service ultimately on 31.03.2017 and 31.12.2016 respectively. Ultimately, CWP No.21248 of 2012 was dismissed by this Court, but during the pendency of the writ petition, the respondents-State did not initiate or proceed with the matter of filling up the 24 posts and by the time the process was restarted, the

petitioners had already retired.

The grievance of the petitioners is that though they were the seniors most and were entitled for promotion against 24 vacancies, which were lying vacant since September, 2012, they have not been granted the benefit only due to the pendency of the above-said writ petition, where there was no interim order passed by the competent court of law and therefore, the petitioners are also entitled to be considered for promotion against these 24 vacancies, which were vacant since September, 2012 till the date of retirement of the petitioners.

Counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have made a representation dated 18.11.2017 (Annexure P-9) to the respondents, which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representation.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondents are directed to decide the representation dated 18.11.2017 (Annexure P-9) by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

May 06, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No