

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11966 of 2019
Date of Decision: 15.05.2019

Prem Kumar

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. RK Arora, Advocate for the petitioner

G.S. SANDHAWALIA, J. (Oral)

(1) The petitioner seeks a direction under Article 226/227 of the Constitution of India to the respondents to consider and finalise his promotion claim on the post of Treasury Officer from the due date on account of charge-sheet having been dropped on 20.07.2006 (P7).

(2) The case of the petitioner is that he joined as Clerk on 27.07.1968 and was promoted on 25.09.1976 as Assistant and as Superintendent Gr.II on 07.04.2000. The next promotional post was the Assistant Treasury Officer which had been re-designated as Treasury Officer. The petitioner claims to have fulfilled all the eligibility conditions for promotion and had also been given officiating charge of the said post from 25.08.2003 to 30.06.2005. On account of the charge-sheet having been issued on 04.04.2003 on account of the alleged recovery and wrong payment of pension, the regular promotions were considered but claim of the petitioner was kept in a sealed cover.

(3) In the meantime the petitioner retired on 30.06.2006 and the proceedings of charge-sheet were eventually dropped on 20.07.2006. It is the case of the petitioner that he has been making repeated representations thereafter on 16.10.2008 (P13) and thereafter on 17.12.2010 (P14) and

repeatedly thereafter which have been appended along with the writ petition as Annexure P16 to P22. The legal notice was also served on 25.11.2018 (P23) which was followed by reminder on 22.02.2019 (P25).

(4) Counsel accordingly submits that he would be satisfied if respondent No.1-competent authority takes a decision on his representation within a fixed time frame.

(5) Notice of motion.

(6) On the asking, Ms. Ambika Luthra, Sr.DAG Punjab accepts notice on behalf of respondents. Copy of paper-book has already been supplied. Keeping in view the fact that the decision making process is still in abeyance, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file their response as it would only delay the proceedings.

(7) Accordingly, without commenting upon the merits of the case the writ petition is disposed of and a direction is issued to respondent No.1 to decide the legal notice and representations of the petitioner made on an earlier point of time within a period of three months from the date of receipt of certified copy of this order. In case the petitioner is held entitled for the benefit of promotion, the benefit of the same be paid to him within two months thereafter. In case the respondents come to the conclusion that there is a legal impediment as such in granting the necessary relief, reasoned order be passed and conveyed to the petitioner.

(8) Ordered accordingly.

15.05.2019

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No