

Sr. No.118

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

CWP No.16221 of 2019 (O&M)

Date of Decision: 01.07.2019

Rajinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ashok Bhardwaj, Advocate,
for the petitioner.

Ms. Anu Chatrath, Additional Advocate General,
Punjab.

ARUN MONGA, J.(ORAL)

Challenge herein, *inter alia*, is to the impugned orders dated 28.12.2016 and 02.03.2017 Annexures P-10 and P-14 respectively, whereby the petitioner has been denied to join as 'Maths Master' with effect from the date of his appointment letter dated 02.11.2016 (Annexure P-2). Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to grant him seniority w.e.f. 02.11.2016.

2. Notice of motion.

3. On advance service of the petition, Ms. Anu Chatrath, Additional Advocate General, Punjab appears and accepts notice on behalf of the State.

4. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

5. Learned Senior Counsel representing the State points out that impugned orders challenged herein are insignificant as the same were passed prior to the acquittal of the petitioner in the criminal proceedings arising out of FIR No.6 dated 17.03.2015.

6. She submits that in view of the pendency of the criminal proceedings, vide impugned orders at that stage the petitioner was rightly denied the benefit of the seniority and the initial appointment w.e.f. 02.11.2016.

7. Confronted with the situation, learned counsel for the petitioner submits that after acquittal of the petitioner in the criminal proceedings, he ought to have been given the benefit as claimed by him in the present writ petition.

8. Learned Senior counsel submits that petitioner cannot be given the monetary benefits with effect from date of his initial appointment as he did not work on the said post. As far as his prayer with regard to the benefit of seniority and the change of date of his initial appointment, the decision on the same would be taken by the department, in accordance with law.

9. In the premise, writ petition is disposed of with directions to the respondents to pass a speaking order by considering the present writ petition as a representation of the petitioner.

10. Let the needful be done within a period of 3 months

from the date of receipt of a certified copy of this order.

11. Disposed of in above terms.

01.07.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No