

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22460 of 2019

DATE OF DECISION:26.08.2019

Rajinder Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jatinder Pal Singh, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that the petitioner was senior to one Sh. Sukhminder Singh as well as one Smt. Jaswinder Kaur, who were promoted as Senior Assistants much prior to the date when the petitioner was actually promoted, without any valid justification.

The claim of the petitioner in the present writ petition is for promotion to the post of Senior Assistant and consequent further promotion as Superintendent Grade-II with effect from the date the same has been granted to the junior of the petitioner mentioned above.

Counsel for the petitioner argues that Smt. Jaswinder Kaur had filed CWP No.14665 of 2014, which was decided on 13.03.2018. In the said writ petition, claim raised was for her promotion with effect from the date Sh. Sukhminder Singh was promoted, which relief was allowed by this Court and infact, the promotions have already been granted to Jaswinder Kaur.

Counsel for the petitioner argues that the petitioner was

senior to Jaswinder Kaur and, therefore, had a prior right of consideration of promotion with retrospective effect with consequential benefits of further promotion being senior to her and, therefore, the petitioner has approached this Court with a prayer that the petitioner be also promoted as Senior Assistant with effect from the date her junior Jaswinder Kaur has been promoted keeping in view the direction given by this Court in CWP No.14665 of 2014 on 13.03.2018.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 13.04.2019 (Annexure P-19), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.3 to decide the legal notice dated 13.04.2019 (Annexure P-19) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 13.04.2019 (Annexure P-19), the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notice dated 13.04.2019 (Annexure P-19) within a period of three months from the receipt of certified copy of this order.

August 26, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No