

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CWP No. 23348 of 2019

Date of Decision : 03.12.2019

Sukhdial Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. M.S. Uppal, Advocate for the petitioners.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that the petitioners became eligible for promotion during their service career as the vacancies in the Cadre of Sub Divisional Engineer and that of Executive Engineer had become available but no action was taken by the respondent-Department to grant the promotion to the eligible candidates. Learned counsel further argues that non grant of promotion, against the available vacancies, has caused prejudice to the petitioners as they were unable to get the promotion during their service career despite being eligible. Learned counsel for the petitioners further argues that under the Rules governing the service, the respondents were under obligation to prepare the select list year-wise, whereas no select list was prepared by the respondents from the year 2002 till the year 2010, which has caused prejudice to the petitioners. The prayer

of the petitioners is for issuance of a direction to the respondents to consider their case for the grant of promotion to the higher cadres against the vacancies, which had become available during their service career.

Learned counsel for the petitioners states that for the relief, which has been claimed in the present writ petition, petitioners have served the respondents with a legal notice dated 28.04.2019 (Annexure P-4), 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 legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 28.04.2019 (Annexure P-4) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

December 03, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*