

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

237

CWP No.7959 of 2017

Decided on : 29.10.2019

Ashok Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Ms. Neha Jain, Advocate for
Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks directions to consider and promote him to the post of Junior Engineer, keeping in view the availability of the vacancies and fulfillment of the eligibility criteria. Reliance has been placed upon the recommendations dated 21.10.2016 (Annexure P-6) which was made by the respondent No.3 to respondent No.2 that there was no complaint/enquiry pending against the employee and his case had, accordingly, been recommended.

It is the case of the petitioner that as per tentative list circulated on 25.06.2015 (Annexure P-3), the seniority of the Works Inspectors had become final, in which petitioner's name, who belongs to BC category, figured at Serial No.3. The person at Serial No.1 stood already promoted and three posts were lying vacant.

In response, the contents of paragraph No.7 of the writ petition, are stated to be a matter of record. Regarding paragraph No.11 in which the averments made by the petitioner that he is due to retire on

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31.10.2017 and his case has not been considered, the defence is that clarification regarding 4% quota of Work Inspector, Work Mistry/Work Munshi, Surveyor is pending before the competent authority for consideration.

It is, thus, apparent that even as per the case of the respondents, in spite the recommendation made on 21.10.2016 (Annexure P-6) and in spite of a period of 3 years having been passed, the case is still lying on the back-burner. The written statement has been filed on 24.08.2017 and for a period of 2 years the State seems to have gone into a slumber. In such circumstances, the petitioner has obviously been adversely affected, as the date of retirement looms large.

Accordingly, the present writ petition is disposed of with the directions to respondents to consider the case of the petitioner for promotion within a period of 4 weeks from today against the vacancies which are available. In case, the petitioner is held entitled for the benefit of promotion, he will be given the said notional/consequential benefits, accordingly, on his retirement. In case, the petitioner's case is to be rejected, a reasoned order be passed and conveyed to him within the prescribed period.

The writ petition stands disposed of, accordingly.

OCTOBER 29, 2019

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No