

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

(125)

CWP-28147-2019

Date of Decision: September 30, 2019

Jai Pal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. N.K. Malhotra, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the petitioner is entitled for promotion to the post of Circle Head Draft Man as well as Sub Divisional Engineer with effect from 21.06.2005, when respondent No.3, who was junior to the petitioner, was promoted to the post of Sub Divisional Engineer alongwith all the consequential benefits with interest @ 24% and consequent revision of the pensionary benefits.

Learned counsel for the petitioner argues that once the promotion has been granted to a person junior to the petitioner, petitioner has preferential right and without any valid justification, the benefit of promotion cannot be denied to a senior person and therefore, as there was nothing against the petitioner, due to which the respondents could have withhold the promotion of the petitioner while considering the case of a junior employee, a direction needs to be issued to the respondents to grant the petitioner the benefit of promotion as Circle Head Draft Man as well as Sub Divisional Engineer w.e.f. the date person junior to the petitioner, i.e. respondent No.3 was promoted.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 15.12.2016 (Annexure P-10) 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 the respondents to decide the said legal notice 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 15.12.2016 (Annexure P-10), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 15.12.2016 (Annexure P-10), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any benefit as being claimed in the present writ petition, petitioner will only be entitled for the arrears from the date of filing of the present writ petition.

(HARSIMRAN SINGH SETHI)
JUDGE

September 30, 2019
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No