

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

CWP-25872 of 2019

Date of decision: 13.09.2019

Bachhitar Singh

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alisha Arora, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

Counsel for the petitioner argues that while the petitioner was in service, he was issued a charge sheet in the year 2006 and during the pendency of the said charge sheet, some of the juniors of the petitioner were considered for promotion and promoted to the post of Forester on 07.09.2012. Counsel further argues that benefit of promotion was denied to the petitioner on the ground that there were proceedings pending against the petitioner. Counsel argues that ultimately, the said charge sheet was withdrawn by the respondents on 19.05.2014 (Annexure P/3) but after the withdrawal of said charge sheet, the petitioner was not extended the benefit of promotion and ACP, which was withheld, due to the pendency of the said charge sheet without any valid justification despite the fact that the petitioner made a representation to the respondents to grant him the benefit of promotion and ACP as there were no proceedings pending against him. Counsel for the petitioner states that waiting for the grant of said benefit, the petitioner retired from service on 30.04.2016. Counsel for the petitioner states that once there was no impediment after the

withdrawal of the charge sheet by the respondents on 19.05.2014, the petitioner is entitled for the benefit of promotion as well as ACP keeping in view the settled principle of law settled by Hon'ble Supreme Court of India in Union of India vs. K.V. Jankiraman 1991 (4) SCC 109 decided on 27.08.1991.

Counsel for the petitioner states that for the relief, which is being claimed in the present writ petition, the petitioner has served the respondents with legal notice dated 18.12.2018 (Annexure P/9) raising his claims, 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.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 18.12.2018 (Annexure P/9) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

13.09.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |