

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

(123)

CWP-27431-2019

Date of Decision: September 24, 2019

Som Dutt

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Dhivya Jerath, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the petitioner was senior to one Sh.Ram Saroop-respondent No.3 in the cadre of Lower Divisional Clerk as well as in the cadre of Upper Divisional Clerk whereas, said Sh. Ram Saroop was promoted as Commercial Assistant in the year 1993 and the petitioner was promoted in the year 1996 without any valid justification.

The claim of the petitioner is that he is entitled for promotion as Commercial Assistant from the date person junior to him was promoted.

Learned counsel for the petitioner is unable to satisfy this Court as to why, petitioner has waited for 23 years before filing the present writ petition claiming the promotion to the post of Commercial Assistant with effect from the date respondent No.3 was promoted. Further, promotion of respondent No.3 was not challenged by the petitioner at any given point of time during his service and even in this writ petition, the same is not under challenge and only prayer of the petitioner is that he be promoted as Commercial Assistant with effect from the date person junior to him was promoted.

Faced with this situation, learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has filed representations dated 02.07.2019 (Annexure P-1), 03.07.2018 (Annexure P-2) and 05.07.2019 (Annexure P-4) respectively, which are 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 representations 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 representations dated 02.07.2019 (Annexure P-1), 03.07.2018 (Annexure P-2) and 05.07.2019 (Annexure P-4) respectively, the present writ petition is disposed of with a direction to the respondents to decide the claim of the petitioner as raised in the representations dated 02.07.2019 (Annexure P-1), 03.07.2018 (Annexure P-2) and 05.07.2019 (Annexure P-4) respectively, within a period of three months from the receipt of certified copy of this order.

It is made clear that in case, the petitioner is found entitled for the benefit, the arrears will not be paid to the petitioner and he will only be granted the notional promotion.

September 24, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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