

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27755 of 2019 (O&M)
DATE OF DECISION:25.11.2019

Baldev Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Garg, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM No.17720 of 2019

The present application has been filed for placing on record the order dated 20.11.2012 as (Annexure P-6 Colly).

Counsel for the petitioner argues that the said order is just and proper for the decision of the question of law as raised in the present writ petition.

Application is allowed.

Annexure P-6 Colly is taken on record.

CWP No.27755 of 2019

Counsel for the petitioner argues that the petitioner is entitled for the grant of promotion to the post of Senior Assistant after fixing his seniority at a proper place in the cadre of Junior Engineer.

Counsel argues that the promotion to the post of Senior Assistant was

denied to the petitioner on the ground that the name of the petitioner did not find mention in the seniority, in the cadre of Clerk/Junior Engineer

Counsel for the petitioner further argues that one Sh. Sukhdev Singh, has been granted promotion as Senior Assistant w.e.f. 01.03.1984 and, thereafter, Superintendent Grade-II on 24.12.1996. This order has been passed after retirement of the petitioner and, therefore, as the person junior to the petitioner i.e. Sukhdev Singh has been granted the benefit of promotion as Senior Assistant and, thereafter, as Superintendent Grade-II from 1996, the petitioner is also entitled for the grant of the same benefit being senior to the said Sh. Sukhdev Singh.

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 18.03.2019 (Annexure P-5) 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 18.03.2019 (Annexure P-5), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 18.03.2019 (Annexure P-5), 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 as claimed in the legal notice, the promotion will be granted to the petitioner with effect from the date his junior was granted the said benefit but notionally. The arrears will only be granted from the filing of the present writ petition.

November 25, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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