

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

(112)

CWP No. 34632 of 2019

Date of Decision : 28.11.2019

Mahesh Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sudhir Nar, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that an FIR No. 215 dated 25.09.2003 was pending against the petitioner in the year 2012 when, Junior Assistants, who were juniors to the petitioner, were promoted as Senior Assistants vide order dated 12.10.2012. Learned counsel argues that the case of the petitioner was not considered due to the pendency of the aforesaid FIR and in the said FIR, the petitioner was acquitted vide order dated 19.12.2012 (Annexure P-1) but the respondents did not promote the petitioner with effect from the date the persons junior to the petitioner were promoted though, petitioner remained in service till he attained the age of superannuation on 31.12.2015. Learned counsel for the petitioner further argues that once the petitioner was acquitted in respect of the allegations alleged in the FIR while in service, petitioner was entitled for consideration

of his case for promotion to the post of Senior Assistant with effect from the date, persons junior to him were promoted. The prayer of the petitioner is for issuance of a direction to the respondents to consider and promote the petitioner as Senior Assistant w.e.f. 12.10.2012 i.e. the date from which his juniors were promoted, alongwith all consequential benefits.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents a legal notice dated 08.05.2019 (Annexure P-8), 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 and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 08.05.2019 (Annexure P-8) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

November 28, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*