

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

CWP No.9714 of 2020.
Decided on:- July 13, 2020.

Bhal Singh ASI.

.....Petitioner.

Versus

The State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Aditya Yadav, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this civil writ petition under Article 226/227 of the Constitution of India impugning the action of the respondents whereby the petitioner has not been promoted to the post of Sub Inspector despite his name having been recommended vide letter dated 11.08.2017 (Annexure P-1).

Learned counsel for the petitioner has submitted that in the background of the entry in the service record of the petitioner for the period from 23.07.2013 to 31.03.2014, he was not considered for promotion to the post of Sub Inspector. However, against the adverse remarks, the petitioner

has availed the statutory remedy and vide order dated 24.12.2019 (Annexure P-6) passed by Additional Chief Secretary to Government Haryana, Home Department, the adverse remarks recorded in the column of ACR for the period from 23.07.2013 to 31.03.2014 have been expunged. Therefore, the petitioner is required to be considered for the promotion to the post of Sub Inspector ignoring the adverse remarks so recorded in his ACR for the aforesaid period.

He further states that after the adverse remarks have been expunged vide order dated 24.12.2019 (Annexure P-6), the petitioner has submitted a justice demand notice dated 20.05.2020 (Annexure P-7) to the respondent No.2 i.e. the Director General of Police, Haryana, so as to consider his claim for promotion to the post of Sub Inspector in the police department.

He further states that at this stage, the petitioner would be satisfied in case a direction is issued to the respondent No.2 to take a final call on the aforesaid notice dated 20.05.2020 (Annexure P-7).

Notice of motion.

On asking of this Court, Mr. Ashish Yadav, Additional Advocate General, Haryana accepts notice on behalf of the respondents.

Heard.

Lest it may prejudice the interest of the parties, without making any observation on the claim of the petitioner but considering the fact that after the adverse remarks have been expunged by the Government in the service record of the petitioner for the period from 23.07.2013 to 31.03.2014 and the justice demand notice dated 20.05.2020 (Annexure P-7) has been

submitted by the petitioner, the present petition is disposed of with a direction to the respondent No.2 to take a final decision on the aforesaid legal notice dated 20.05.2020 (Annexure P-7) in accordance with law preferably within six months from today.

July 13, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No