

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 13637-2020

Date of Decision : 04.09.2020

OM CHAUHAN

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Sonia G. Singh, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that though, the petitioner was senior but the persons junior to him, have been promoted that too by granting them relaxation of experience from 10 years to 7 years by ignoring the claim of the petitioner. Learned counsel for the petitioner submits that by the grant of the said relaxation to the juniors, petitioner has been caused prejudice.

On being pointed out, as to how, the petitioner has been caused prejudice by the grant of relaxation to the other persons, who were junior to him, learned counsel for the petitioner submits that apart from the required experience, a junior engineer was also required to pass the departmental examination and on the date of promotion, the petitioner did not had the said requisite qualification and in case, the respondents would have waited till January, 2020 for effecting promotion, the petitioner would have also become eligible.

The above explanation show that on the date when the

juniors were promoted, the petitioner was not eligible. But now, he has become eligible and has become entitled for consideration of his case though prospectively. Learned counsel for the petitioner submits that the petitioner has already submitted a representation for promotion to the Engineer-in-Chief on 07.07.2020 (Annexure P-7), which is still pending consideration with the said authority and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the said authority to decide the same by passing an appropriate speaking order in accordance with law.

Notice of motion.

Ms. Rajni Gupta, learned Additional Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel submits that the State has no objection in passing appropriate speaking order on the representation of the petitioner dated 07.07.2020 (Annexure P-7) in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No. 3 is directed to decide the representation dated 07.07.2020 (Annexure P-7) by passing a speaking order within a period of three months.

Present writ petition stands disposed of.

September 04, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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