

S.No.120

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

CWP No.15997 of 2020 (O&M)

Date of Decision:01.10.2020

Sukhpal Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. J.S. Dhaliwal, Advocate and
Ms. Kamalpreet Kaur Dhaliwal, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to count the service rendered by the petitioner on the post of SPO as qualifying service for the purpose of seniority for the post of Constable along with other consequential benefits.

Learned counsel for the petitioner has referred to the judgments passed by the Co-ordinate Benches of this Court in CR-2295-2010 titled ***Constable Rajinder Kumar Vs. State of Punjab through Principal Secretary Home, Department of Home Affairs & Justice, Mini Secretariat, Punjab Chandigarh and others*** (Annexure P-5), CWP-31922-2019 titled ***Avtar Singh Vs. State of Punjab & Ors. (Annexure P-7)*** and CWP-14567-2020 titled ***Roop Singh & Ors. Vs. State of Punjab & Ors.*** (Annexure P-9).

Learned counsel for the petitioner submits that the petitioner had served a legal notice dated 06.02.2020 (Annexure P-12) upon the

respondents before filing of the present writ petition without evoking any response.

Notice of motion.

Ms. Kanica Sachdeva, AAG, Punjab, accepts notice on behalf of respondents-State.

Learned counsel for the petitioner states that the petitioner would be satisfied if a direction is issued to the respondents to consider the claim of the petitioner and take a decision in the matter within a fixed time frame.

Learned State counsel states that the respondents would abide by any direction issued by this Court in that regard.

Keeping in view the facts and circumstances of the present case and in order to avoid unnecessary litigation between the parties, the present writ petition is disposed of with a direction to the respondents to consider the claim of the petitioner as contained in legal notice dated 06.02.2020 (Annexure P-12), as per law and then to take a decision in the matter by passing a speaking order, within a period of two months from the date of receipt of certified copy of the order.

However, since the petition is not being decided on merits, it shall be open to the petitioner to seek his legal remedy including approaching this Court again as per law, if he still feels aggrieved after disposal of his legal notice by the respondents.

October 01, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No