

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

CWP No.12575 of 2017
Date of Decision : 29.01.2020

Manoj Kumar

...Petitioner

Versus

HVPNL and others

....Respondents

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. R.S. Panghal, Advocate for the petitioner.

Mr. Vikas Bishnoi, Advocate for
Mr. Sumit Jain, Advocate for the respondents.

B.S.WALIA, J. (Oral)

1. Learned counsel for the petitioner states that the petitioner qualified Part-I and Part-II of the departmental examination for promotion to the post of Upper Division Clerk on 24.09.2007 and 27.01.2009 respectively and on said basis was entitled for consideration for promotion. However, although LDCs juniors to the petitioner, who had qualified the departmental promotion examination along with the petitioner on the same dates, have been promoted to the post of UDC on 28.8.2009 whereas the petitioner was promoted as UDC on 16.02.2010 solely on account of the respondent not having mentioned the date of the petitioner passing Part-I of the departmental examination for promotion.

2. Learned counsel for the respondents states that the promotion of the petitioner had been held up and was made only on 16.02.2010 in view of non-availability of record with regard to passing of Part-I departmental promotion examination by the petitioner but in view of the position as noted above, fresh orders would be passed promoting the petitioner w.e.f. the date of his entitlement, within such time as is granted by this Court.

3. The same satisfies learned counsel for the petitioner.

4. In the light of the position as noted above, impugned order Annexure P/9 dated 01.07.2015, rejecting the petitioner's representation for promotion, is quashed and the writ petition is disposed of by directing the competent authority to consider and decide the claim of the petitioner for promotion to the post of UDC by taking the date of Part-I and Part-II of the departmental promotion examination as 24.09.2007 and 27.01.2009 respectively, as also by taking into account all aspects of the matter, within two months from the date of receipt of certified copy of this order.

(B.S.WALIA)
JUDGE

29.01.2020.

rajesh.k.khurana

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