

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

**CWP No.12685 of 2017 (O&M)
Date of decision : February 10, 2020**

Pawan Kumar Goyal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Navneet Jindal, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The claim, which is being raised in the present writ petition is that the petitioner is entitled for the promotion to the post of Senior Assistant against the vacant vacancies, keeping in view the order passed by this Court in CWP No.9289 of 1987, titled as “*Sham Lal vs State of Punjab*”, decided on 23.09.2011.

Learned counsel for the petitioner argues that as per the directions given by this Court in *Sham Lal's* case (*supra*), apart from 19 vacancies which existed before 11.04.1984, the senior most Sub Divisional Clerks, who had passed examination under the Punjab Public Works Department (Irrigation Branch), Circles Clerical State Service, Class-III Rules, 1955 (hereinafter referred as 'the 1955 Rules'), which were applicable at the relevant time, will be granted promotion irrespective of the fact that whether they have passed the Assistant Grade Examination by the year 1984 or not.

Learned counsel for the petitioner argues that keeping in view the said directions, the petitioner, who was within the 19 vacancies, was

entitled for the promotion to the post of Senior Assistant as the petitioner had passed the required Sub Divisional Clerk Examination as envisaged under the 1955 Rules. Prayer of the petitioner is for promoting the petitioner as Senior Assistant on the basis of the said directions and grant the petitioner the consequential benefits.

Learned counsel for the petitioner states that though vide Annexure P-8, the reply to his representation was received by the petitioner declining his claim of promotion, but thereafter, the petitioner sent a legal notice on 10.10.2016 (Annexure P-9) to the respondents, which is still pending consideration with respondent No.2 and the petitioner will be satisfied at this stage, in case a time bound direction is issued to respondent No.2 to decide the same by passing appropriate speaking order.

Counsel for the respondents states that the respondents have no objection in deciding the claim of the petitioner as being made by him in legal notice in a time bound manner by passing a speaking order as per the settled principle of law.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioner, respondent No.2 is directed to decide the legal notice on 10.10.2016 (Annexure P-9), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

February 10, 2020

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Whether speaking / reasoned

Yes

Whether Reportable:

No