

CWP-19427-2020

Date of decision : November 16, 2020

GURVINDER SINGH

.....Petitioner

Versus

B.B.M.B THROUGH ITS CHAIRMAN AND ORS.

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ram Pal Rana, Advocate for the petitioner.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Learned counsel for the petitioner submits that the petitioner is eligible for promotion to the post of Executive Engineer as per the Service Rules attached as Annexure P1. It is submitted that he has the requisite eligibility as reflected in Annexure P2. Insofar as the question of clearing departmental exam is concerned, exemption is stated to be afforded, in terms of Rule 19.5 from clearing the departmental accounts examination of Engineering officers, to the officials who have crossed the age of 54. The petitioner, it is submitted, has crossed the age of 54, his date of birth being 12.11.1965. Learned counsel refers to Annexure P5. It is submitted that the petitioner has also submitted an application for exemption in terms of the relevant Regulation. Respondent – authorities, it is submitted, are not considering the same and are planning to go ahead with the promotions without considering the petitioner. In this respect, representation dated 03.11.2020, is stated to have been submitted but the same has not been considered. It is pointed out that as per the seniority list attached alongwith the writ petition as Annexure P3, the petitioner is the senior most Assistant Engineer/SDO.

Learned counsel for the petitioner, at this stage, restricts his prayer for consideration and decision of representation dated 03.11.2020 (Annexure P7) before conclusion of the proceedings of the DPC.

It is brought to my notice that proceedings before the DPC are yet to be concluded.

Keeping in view the facts and circumstances of the case as well as the limited prayer addressed at this stage, but without expressing any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority to decide representation dated 03.11.2020 (Annexure P7) submitted by the petitioner, within one week of submission of certified copy of this order and preferably before conclusion of the proceedings of the DPC which are stated to be pending.

November 16, 2020
rts

(Lisa Gill)
Judge

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