

S.No.107

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

CWP No.20482 of 2020 (O&M)

Date of Decision:01.12.2020

Sadhu Ram

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

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

Present:- Mr. Kuldeep Sheoran, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Article 226 of the Constitution of India for issuance of writ of mandamus to the respondents to promote the petitioner on the post of Driver from the post of Beldar in parity as per the practice followed by the respondent-department in term of letter dated 04.05.2016 (Annexure P.3) and in terms of Annexure P.5 dated 01.06.2010 and Annexure P.6 dated 19.12.2017 as per the seniority list and with all consequential benefits.

It is submitted by counsel for the petitioner that since similar benefits have already been granted by the respondents to similarly situated employees vide order dated 01.06.2010 and other similar orders, whereby Beldars were promoted to the post of Drivers, therefore, the petitioner would be satisfied if the case of the petitioner is considered by the authority at par with those similarly situated employees. The petitioner has already served a legal notice, which is attached at Annexure P.8 with this petition. However, the said legal notice has not been considered and decided by the respondents so far. Therefore, the respondents be directed to take a decision on the said legal notice.

Notice of motion.

Ms. Deipa Singh, Additional Advocate General, Haryana, accepts notice on behalf of the State.

Even the counsel for the State is not averse to expeditious consideration of the claim of the petitioner, if otherwise eligible for the said post.

In view of the above, the present petition is disposed of by directing respondent No.2 to consider the legal notice of the petitioner, attached with this petition at Annexure P.8 and to take a conscious decision thereon; within a period of two months from the date of receipt of certified copy of this order. It is further ordered that in case the petitioner is found entitled to any benefit upon such consideration then the said benefit also be released to the petitioner within a period of one month after the above said conscious decision.

December 01, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No