

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

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CWP-3153-2021

Decided on : 11.02.2021

Darshan Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Gagneshwar Walia, Advocate, for the petitioner.

Ms.S.G.Randhawa, AAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India is for issuance of directions to the respondents to consider the case of the petitioner for promotion to the post of Administrative Officer in pursuance to the requisition letter dated 31.12.2020 (Annexure P-5). The said relief is sought in terms of the instructions (Annexures P-10 to P-12) issued by the Punjab Government that promotions are not to be withheld in case the official against whom challan/charge-sheet has not been filed in the Court or cancellation reports have been submitted.

Counsel for the petitioner submits that the petitioner is working as Superintendent Grade-II and promotion is to be made to the post of Administrative Officer. Respondent No.2 had asked for his Service Record along with other similarly situated persons and in the said list, the petitioner's name is at Sr.No.2 (Annexure P-5). Respondent No.3 has forwarded the case of the petitioner wherein reference has been made to one FIR No.124 dated 30.05.2016 registered under Sections 420, 408, 477-A IPC. It has also been noticed that he has been exonerated by the Senior Superintendent of Police,

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however, the cancellation report has been sent for approval on 15.10.2016 which is yet to be approved. It is, thus, submitted that in view of the judgment in **Balwant Ram Vs. State of Punjab & others 2019 (3) SCT 29**, the petitioner cannot be denied consideration for promotion. It is submitted that the petitioner is due to retire on 30.04.2021 and the respondents are, thus, dragging the issue, as such.

Counsel for the petitioner submits that he would be satisfied if the representation dated 15.01.2021 (Annexure P-9) filed by the petitioner for the necessary relief is decided in a time-bound manner.

Notice of motion.

Ms.Randhawa accepts notice on behalf of the respondents.

Keeping in view the limited relief sought in the present petition, no useful purpose will be served to call for the reply as it would only delay the proceedings since the decision making is yet incomplete. Resultantly, without commenting upon the merits of the case and the entitlement of the petitioner for promotion, the present petition is disposed of, by directing respondent No.1 to take a decision on the said representation (Annexure P-9) regarding the promotion of the petitioner to the post of Administrative Officer, within a period of 4 weeks from the date of receipt of a certified copy of this order.

FEBRUARY 11, 2021

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No