

CWP-5983-2021 (O&M)

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

**CWP-5983-2021 (O&M).
Decided on: March 16, 2021.**

Kasam Khan

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Farukh Abdullah, Advocate,
for the petitioner.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, with a prayer for issuance of a writ in the nature of mandamus directing the official respondents to consider the petitioner for promotion to the post of Assistant w.e.f. 12.11.2018 from which other persons including juniors have been promoted with all consequential benefits.

The learned counsel for the petitioner has submitted that the petitioner was admittedly senior to the private respondents and was appointed as peon in the year 1995 whereas the private respondents were appointed in the year 2004 and vide seniority list Annexure P-3, the

CWP-5983-2021 (O&M)

petitioner has been shown at Sr. No.10 whereas the private respondents have been shown below the petitioner. He has submitted that the petitioner was ignored for promotion to the post of Clerk and thereafter again the petitioner was ignored for promotion to the post of Assistant. He has submitted that there was no legal impediment in considering the case of the petitioner for promotion and therefore, there has been violation of Article 14 of the Constitution of India. He has further submitted that the petitioner has served a legal notice dated 21.11.2019 (Annexure P-5) upon the Commissioner Revenue, Faridabad – respondent No.3 but no action has been taken in this regard. He has further submitted that petitioner would be satisfied in case the appropriate directions are issued to respondent No.3 for deciding the legal notice dated 21.11.2019 (Annexure P-5) within a reasonable period.

Notice of motion to respondent Nos.1 to 4 only at this stage.

On asking of the Court, Mr. Deepak Manchanda, Addl. A.G. Haryana, accepts notice on behalf of the aforesaid respondents and states that he has no objection in case appropriate directions are issued to the official respondents to consider the legal notice dated 21.11.2019 (Annexure P-5) and decide the same in accordance with law.

After hearing the learned counsel for the parties, this Court is satisfied that even without calling for the reply from the State at this stage, this writ petition can be disposed of with appropriate directions.

Consequently, the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notice dated

CWP-5983-2021 (O&M)

21.11.2019 (Annexure P-5) and subsequent reminders, if any, and pass appropriate order on the same by passing a speaking order in accordance with law within a period of **six weeks** from the date of receipt of certified copy of the order. However, the aforesaid directions do not reflect anything on the merits of the case.

March 16, 2021,
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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