

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

CWP No. 15179 of 2021

DATE OF DECISION :- August 26, 2021

Radhey Shyam Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Johan Kumar, Advocate for the petitioner.

Mr. B.R. Mahajan, Senior Advocate
with Ms. Nikita Goel, Advocate respondent No. 3.

The case has been taken up through Video Conferencing.

Petitioner Radhey Shyam Sharma, working as Superintending Engineer, Municipal Corporation, Gurugram has brought the instant civil writ petition against respondents State of Haryana through Additional Chief Secretary, The Director General, Urban Local Bodies, Panchkula, The Municipal Corporation, Gurugram, Shri Vijay Kumar Goyal, Superintending Engineer, Municipal Corporation, Panchkula, Shri Vijay Dhaka, Superintending Engineer, Municipal Corporation, Gurgaon praying for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 17.9.2019 (Annexure P-6) passed by respondent No.1 as well as order dated 18.8.2020 (Annecure P-14) granting promotion to respondent No. 5 Shri Vijay Dhaka w.e.f. 20.4.2020 despite the fact that he is junior to the petitioner and wrongly promoted ahead to him and further respondent No. 5 had been absorbed in Municipal Corporation w.e.f. 28.3.2017 after the

petitioner became XEN and while giving promotion respondent No. 5 has wrongly been made senior to the petitioner. According to the petitioner, he had submitted representation dated 24.10.2019 (Annexure P-7) addressed to The Director, Urban Local Bodies, Panchkula but that has not evoked any response, as such he has filed the present writ petition.

Notice of motion to respondents No. 1 to 3.

Mr. Sharad Aggarwal, AAG, Haryana has accepted notice on behalf of respondents No. 1 and 2 and Ms Nikita Goel, Advocate has accepted notice on behalf of respondent no. 3.

In view of the nature of the dispute to enable respondent No. 1 to consider the grievances of the petitioner and then to take remedial measure, if any and to avoid unnecessary litigation, the writ petition is disposed of directing respondent no. 1 to consider the representation of the petitioner in accordance with law, rules, regulations and instructions on the subject and if is found that some action in the matter is warranted then the needful be done within a period of two months from the date of receipt of copy of the order. A speaking order be passed in that regard. For the purpose of consideration, the present writ petition along with annexures be taken as representation by the petitioner. It is clarified that in case the petitioner still feels dissatisfied, he may approach the Court again in accordance with law.

(H.S. MADAN)
JUDGE

August 26, 2021

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No