

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

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CWP-15822-2021

Decided on : 18.08.2021

Gurdeep Kumar

... Petitioner

Versus

State of Haryana & another

... Respondents

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

Present: Mr.Jasbir Mor, Advocate, for the petitioner.

Ms.Kirti Singh, DAG, Haryana.

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

G.S. Sandhawalia, J. (Oral):-

Counsel for the petitioner, at the outset, submits that he only presses the prayer clause (ii) qua the seniority of the petitioner to the post of PGT qua his juniors and does not press the other reliefs regarding grant of ACP, by counting the ad-hoc services etc.

Thus, the issue which is to be decided by the respondents would be as under:

“To issue a writ in the nature of mandamus directing the respondents to fix the seniority of the petitioner over and above the persons junior to him on the post of PGT who were appointed after the petitioner and some of them are younger in age though they were regularized in the services on the same date i.e. 01.10.2003 on which the petitioner was regularized, in terms of the provision in the service rules because the petitioner is older in age to them and petitioner is entitled for all the subsequent benefits including seniority and promotion etc.”

It is submitted that for the said relief, petitioner has already served a legal notice dated 03.05.2021 (Annexure P-15) upon the respondents, since petitioner's services were regularized on 04.03.2004 w.e.f. 01.10.2003, on the completion of 3 years of service on 30.09.2003, while working as Lecturer in Chemistry. It is submitted that similarly situated persons had also been regularized, their names find mention in the promotion order dated 09.07.2019, while referring to Annexures P-8 & P-9, while the petitioner has been left out.

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Notice of motion.

Ms.Singh accepts notice on behalf of the respondents.

Keeping in view the limited controversy as such and since the decision making is still incomplete, no useful purpose will be served to call upon the respondents for filing reply, as it would cause further delay in deciding the proceedings.

Accordingly, without commenting on the merits of the case or the entitlement of the petitioner, the present petition is disposed of with the direction to respondent No.2 to take a decision on the legal notice dated 03.05.2021 (Annexure P-15) within a period of 3 months from the receipt of the certified copy of this order. In case the petitioner is held entitled for the relief sought, the effect of necessary benefits be implemented, thereafter. In case there is any legal impediment and the relief is to be denied, speaking order be passed and communicated to the petitioner.

AUGUST 18, 2021

Sailesh

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

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No