

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

**CWP No.7716 of 2017 (O&M)
Decided on : 24.03.2021**

Bachan Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Ranjivan Singh, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks consideration for promotion as Sub-Divisional Officer (SDO).

In spite of the notice of motion having been issued on 18.04.2017, the respondents have failed to file reply to the petition, though a period of 4 years has gone. Thereafter, even an application has been filed for disposal of the main case bearing CM-834-CWP-2021, in which also reply has not been received.

Counsel for the petitioner submits that since he has now retired on 30.04.2017, he only seeks consideration for promotion by taking a decision on his representation dated 06.12.2020 (Annexure P-12), which has been filed during the pendency of the present writ petition. It is his grouse that the petitioner was eligible to be promoted w.e.f. April, 2013 when his juniors were promoted. However, on account of

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having a degree of B.Tech by way of Distant Mode of Education from Institute of Advanced Studies in Education University, Gandhi Vidya Mandir, Sardarshahr (Rajasthan) (Annexure P-1), he was not considered. It is submitted that he has given the examination in December, 2018 and qualified the examination and the degree stands validated in terms of the judgment passed in the case of '**Orissa Lift Irrigation Corporation Limited Vs. Rabi Sankar Patrao and others'** (2018) 1 SCC 550. Thus, he seeks consideration for notional promotion now.

Keeping in view the above, this Court is of the opinion that the respondents have a bounden duty as such to decide his representation within a fixed time frame. Accordingly, the present writ petition is disposed of and directions are issued to respondent No.1 to decide the representation dated 06.12.2020 (Annexure P-12) and the claim made therein within a period of two months from the receipt of certified copy of this order. In case, the petitioner is found eligible, the necessary benefits be disbursed to him within a period of two months, thereafter. In case, he is found not entitled for the claim made in the representation, reasoned order be passed and communicated to the petitioner forthwith.

Disposed of.

24.03.2021

Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

Yes