

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.3401 of 2022 (O&M)
Date of Decision.11.03.2022
(Heard through VC)

Bijender Singh

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pardeep Dahiya, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

C.M. No.2454 of 2022

Application is allowed.

Annexure P-9 is taken on record.

CWP No.3401 of 2022 (O&M)

This writ petition has been filed under Article 226 of the Constitution of India seeking issuance of writ in the nature of mandamus directing the respondents to adopt sealed cover procedure pending departmental proceedings initiated against the petitioner, while considering petitioner's case for out of turn promotion and on exoneration in departmental proceedings, the sealed cover be opened and if found fit, promotion to be given to him with retrospective effect i.e. from the date of promotion with all consequential benefits.

Learned counsel appearing on behalf of the petitioner would contend that the case of the petitioner was to be considered for out of turn promotion to the post of Dy. Superintendent of Police, however, departmental proceedings had been initiated against him, which constrained him to file the

instant petition seeking his case to be considered under sealed cover procedure, in view of the law as laid down by the Hon'ble Supreme Court in *Union of India Vs. K.V. Jankiraman 1991 (4) SCC 109*.

Pursuant to the notice of motion issued, learned State Counsel had submitted that petitioner's case would be considered in the process of outgoing promotions for out of turn promotion to the post of DSP and his result shall be kept in a sealed cover, which would be subject to final outcome of the writ petition.

Today, this Court is informed vide communication dated 10.03.2022 received from the office of the Additional Chief Secretary to Government of Haryana, Home Department that case of the petitioner for promotion on out of turn basis in accordance with provisions of Service Rules had been considered and the result has been kept in a sealed cover.

Therefore, in view of the prayer made in the writ petition seeking consideration of the result to be kept in a sealed cover pending departmental proceedings, this petition stands rendered as infructuous. However, on completion of the departmental proceedings, sealed cover result be declared and if the petitioner is found entitled, promotion be granted to him to the post of DSP from the due date of promotion with all consequential benefits.

The writ petition stands disposed of in above terms. Misc. application(s), pending if any, also stand disposed of.

(JAISHREE THAKUR)
JUDGE

March 11, 2022
Pankaj*

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