

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

CWP-4129-2022

Date of Decision:03.03.2022

SUNIL KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sumit Sangwan, Advocate
 for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

(Presence marked through Video Conference)

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *mandamus* directing the respondents to promote him on the post of Inspector from the date his juniors were promoted along with all consequential benefits.

2. Learned counsel for the petitioner submits that the petitioner was appointed as Sub Inspector in Food and Supplies Department, Haryana on 08.08.2012. However, vide order dated 14.03.2016, he was placed under suspension on the allegation of misappropriation of wheat and an FIR No.35 dated 29.01.2016 under Sections 406, 409 and 120-B IPC at Police Station Nangal Chaudhary, District Mahendergarh was registered against him. Learned counsel further submits that during departmental enquiry, the petitioner was found innocent and was discharged in FIR case vide order dated 06.01.2021 passed by learned Additional Chief Judicial Magistrate, Narnaul. The petitioner was reinstated on 23.01.2021. However, he did not get the past benefits. He had since remained suspended from service, in the year 2018 his juniors got promoted to the post of Inspector but the claim of the petitioner was not considered. Qua his aforesaid grievance, petitioner submitted a representation dated 23.01.2021 (Annexure P-5), but to no avail. Hence, the instant petition.

3. Learned State counsel, on advance service, joins proceedings and states that competent authority shall take appropriate decision on the pending representation dated 23.01.2021 (Annexure P-5).
4. At this stage, learned counsel for the petitioner also agrees that let a final decision is taken, either way, by the competent authority on the pending representation dated 23.01.2021 (Annexure P-5), giving reasons thereof.
5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.
6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 23.01.2021 (Annexure P-5) and keeping in view the contention raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.
7. Let the needful be done within a period of two months from today.
8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

03.03.2022
gurpreet

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