

125 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12041-2022
Date of Decision: 30.05.2022

DHARAMBIR SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* for quashing an order dated 10.05.2022 (Annexure P-12) whereby, respondents No.4 to 6 have been promoted from Electricians to Head Electricians by ignoring his claim.

2. Petitioner was appointed as Helper Electrician at Haryana Roadways, Rohtak on 01.02.1996. Subsequently, vide order dated 31.01.2003 (Annexure P-2), he was promoted as Assistant Electrician and thereafter to Electrician vide order dated 25.09.2009 (Annexure P-3). However, in criminal trial arising out of case FIR No.28 dated 03.10.2009 registered under Sections 420, 467, 468, 471 read with Section 120-B IPC at Police Station State Vigilance Bureau, Rohtak, he was held guilty by learned Additional Sessions Judge, Rohtak. He was sentenced to undergo rigorous imprisonment for three years with fine vide judgment of conviction dated 09.11.2017. He filed Criminal Revision No.4338 of 2017 before this Court, which was admitted and sentence of the petitioner was suspended during pendency thereof. Pursuant to the conviction, the services of the petitioner were ordered to be terminated w.e.f. 09.11.2017. However, he was re-instated in service subject to the pendency of revision petition before this Court. Grievance of the petitioner is that vide impugned order dated 10.05.2022 (Annexure P-12), respondents No.4, 5 and 6 have been promoted

from Electricians to Head Electricians ignoring his claim whereas, respondents No.5 and 6 are junior to him.

3. Qua the aforesaid grievance, petitioner also submitted a representation dated 13.05.2022 (Annexure P-13) but the same has not been adverted till date. Hence the petition.

4. On advance service, learned State counsel appears and submits that a decision will be taken by competent authority, either way, on the pending representation dated 13.05.2022 (Annexure P-13) by passing a speaking order.

5. At this stage, learned counsel for the petitioner also seeks decision on the pending representation, as suggested by learned State counsel.

6. 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.

7. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the representation dated 13.05.2022 (Annexure P-13) of the petitioner and pass an administrative order, in accordance with law.

8. Let the needful be done as expeditiously as possible.

9. Disposed of accordingly.

May 30, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No