

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

CWP NO. 14499 OF 2022

DATE OF DECISION: 11.07.2022

Lukesh Kumar and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Kumar, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to consider their candidature for promotion to the next channel by giving them the benefit of reservation.

2. Petitioners joined Excise department, Haryana on various posts and are working ever since. Vide instructions dated 09.02.1979, Government of Haryana issued reservation policy providing 20% reservation for Scheduled Caste and Scheduled Tribes categories in direct recruitment for Class-I, II, III and IV posts and in case of promotion only in Class III and IV posts, leaving Class I and II posts as per roster point. Subsequently, another policy/instructions dated 08.05.1980 were issued vide which amendment was made to the extent that reservation is to be provided for SC/ST category both on temporary and permanent posts and in case, vacancy occurs as a result of death, retirement, resignation, dismissal, removal or promotion, then even on regular basis.

3. Petitioners are stated to be due for promotion to next channel and plead they are duly qualified. They belong to reserve category but they have not considered by the department.

4. Qua their aforesaid grievance, petitioners submitted legal notice dated 08.07.2021 (Annexure P-2) but the same has not been adverted till date. Hence, the petition.

5. On advance service of copy of the petition, learned State counsel appears and submits that a decision will be taken by competent authority, either way, on the pending legal notice dated 08.07.2021 (Annexure P-2).

6. At this stage, learned counsel for the petitioners also seeks decision on the pending legal notice, as suggested by learned State counsel.

7. 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.

8. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to decide the legal notice dated 08.07.2021 (Annexure P-2) of the petitioners and pass an administrative order, in accordance with law, within three months.

9. Disposed of accordingly.

JULY 11, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No