

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 15071 of 2022 (O&M)

Date of Decision:18.07.2022

Wazir Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Ms. Sunint Kaur, AAG., Punjab.

LISA GILL, J(Oral).

Prayer in this writ petition is for a direction to the respondents to give notional promotion to the petitioner from the date that his junior was promoted and for notional fixation of the last drawn pay of the petitioner in accordance with granting of such notional promotion. There is further prayer for re-fixation of pension of petitioner by removing the anomaly of drawing lesser pension than his immediate junior.

It is submitted that the petitioner had cleared his departmental examination on 31.07.2006, however person junior to him was promoted on 01.06.2005 while giving liberty to pass the departmental examination within two and half years from the date of promotion. The petitioner, it is submitted came to know this fact after seeking information under the RTI Act. Learned counsel submits that the petitioner had represented before the authorities on

various occasions and lastly, representation dated 05.03.2022, Annexure P-5, had been submitted, but to no avail.

At this stage, learned counsel for the petitioner submits that the petitioner restricts his prayer for decision on representation dated 05.03.2022, Annexure P-5 in a time bound manner while also restricting the claim for notional fixation of the last drawn pay of the petitioner inasmuch as the anomaly of the petitioner getting less pay than the junior is corrected and that in case of acceptance of petitioner's claim, the petitioner also undertakes to restrict his right to arrears to 38 months prior to filing of this writ petition.

Notice of motion.

Ms. Sunint Kaur, AAG., Punjab, accepts notice on behalf of all the respondents. Advance copy of the writ petition stands served. Learned counsel for the State does not raise any serious objection to the restricted prayer addressed.

Keeping in view the limited prayer addressed, facts and circumstances of the case but without expressing any opinion on the merits thereof, this writ petition is disposed of with a direction to the competent authority, to decide representation dated 05.03.2022, Annexure P-5 filed by the petitioner by passing a speaking order, within three (03) months from the date of receipt of certified copy of this order. In case, petitioner is found entitled to any monetary benefit, same be released to him in accordance with law within the next six weeks.

18.07.2022

s.khan

[LISA GILL]
Judge

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