

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

112

CWP-15702-2022

Date of Decision :22.07.2022

Ramphal**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Shreenath A. Khemka, Advocate for
Mr. Rahul Sidher, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner retired from service on 30.11.2013 while working on the post of Sub Assistant Superintendent Jail and while the petitioner was working as such, his claim arose for promotion to the post of Assistant Superintendent Jail, which benefit was not extended to him by the respondents on the ground that an FIR No.36 dated 29.12.2007 was pending against him. Learned counsel for the petitioner further argues that after the retirement of the petitioner, he was acquitted in the said FIR on 01.02.2014 hence, keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.3018-21 of 1987** titled as **Union of India vs. K.V. Jankiraman**, respondents are under an obligation to consider the case of the petitioner in view of the changed facts.

Learned counsel for the petitioner submits that despite the fact that the petitioner has been sending representations to the respondents

raising the said grievance but, no relief is being granted to him by the respondents.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by way of serving a legal notice dated 06.08.2020 (Annexure P/2) upon them, which is still pending consideration with the respondents and the petitioner will be satisfied in case a time bound direction is issued to the respondent No.2 to decide the said legal notice.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and raises no objection in deciding the legal notice dated 06.08.2020 (Annexure P/2) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner in his legal notice, respondent No.2 is directed to decide the legal notice dated 06.08.2020 (Annexure P/2) by passing a speaking order within a period of eight weeks from the date of receipt of copy of this order. In case after the decision, it is found that the petitioner is entitled for any relief, the same will be extended to him within a four weeks thereafter.

Present writ petition stands disposed off.

July 22, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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