

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20533-2022

Date of Decision: 09.09.2022

Anil Kumar Sarma

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Dhiraj Chawla, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to issue No Objection Certificate enabling the petitioner to apply for various recruitment notice/posts as the same is being withheld on account of pending notice dated 12.04.2022 (Annexure P-8) for enhancement of the penalty from “Censure” to “Demotion to a Lower Rank”; as also seeking directions to the respondents to grant in-situ promotion as per MFCS (Annexure P-14) to the petitioner on the post of Scientist-F w.e.f. 01.01.2021; as also seeking directions to the respondents to finalize the ACRs for the year 2018-2019, 2020-2021 and 2021-2022 which are causing service prejudice to the service conditions of the petitioner.

It is submitted by the learned counsel for the petitioner that statutory appeal (Annexure P-6) of the petitioner is already pending before

the Appellate Authority. However, the respondents have not taken any decision on the statutory appeal filed by the petitioner. He has further submitted that, at this stage, the petitioner would be satisfied if the respondents take a final decision on the appeal filed by the petitioner, and pass a speaking order thereon, within a time bound frame.

Notice of motion.

Mr. Arun Gosain, Senior Government Counsel, accepts notice on behalf of the respondents. Even counsel for the respondents is not averse to the expeditious disposal of the claim of the petitioner.

In view of the above, the present petition is disposed of with a direction to respondent No.1 to decide the appeal of the petitioner dated 05.08.2021 (Annexure P-6) and take a conscious decision thereon by passing a speaking order; within a period of two months from the date of receipt of the certified copy of this order.

(RAJBIR SEHRAWAT)
JUDGE

09.09.2022
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No