

124.

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

CWP-28233-2022

Date of Decision: 08.12.2022

ASI (ADHOC) RAJESH KUMAR AND ANOTHER Petitioners

Versus

STATE OF PUNJAB AND OTHERS Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kamaldip Singh Sidhu, Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to remove the anomaly crept in at the time of issuance of promotion orders as Head Constable on the basis of Adhoc against the vacant post of Head Constable (Armourer) instead of officiating, and further to grant promotion as ASI and Sub Inspector on regular basis, with all consequential benefits viz-a-viz seniority, increments and arrears of pay etc.

Counsel appearing on behalf of the petitioners would submit that in this regard, the petitioners have already served Justice Demand Notice, dated 17.07.2022, Annexure P-18, but no action has been taken thereon till date. He would submit that in the present writ petition, additional grounds have been raised and, therefore, prays that the very writ petition itself is treated as a representation and a speaking order is passed thereon.

Notice of motion.

Mr. Mohit Kapoor, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondents.

Let sufficient number of copies of complete paper book be supplied to him during the course of day.

Without commenting on merits of the case and keeping in view the limited prayer made, the instant petition is disposed of with a direction that the instant writ petition itself shall be treated as a representation on behalf of the petitioners and would be decided by the respondents by passing a speaking order within a period of three months, from the date of receipt of certified copy of this order, in accordance with law, and convey the decision to the petitioners. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

However, in case the grievance of the petitioners still survives, they are at liberty to approach this Court.

(JAISHREE THAKUR)
JUDGE

08.12.2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No