

CWP-70-2023

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

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Date of Decision: 06.01.2023

Anil Kumar

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Digvijay Singh, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Challenge in the present petition is to the orders dated 18.11.2022/13.12.2022 (Annexure P-3), vide which the date of promotion of the petitioner as a Head of the Department (Electronics) has been changed from 22.12.2008 to 31.08.2015.

Learned Senior Counsel for the petitioner submits that the petitioner was promoted to the post of Head of the Department (Electronics) in view of the judgment dated 07.01.2013 rendered by a Division Bench of this Court in CWP-21705-2008; that the aforesaid judgment was not challenged by the State/private respondents therein, and that however vide impugned orders dated 18.11.2022/13.12.2022, the date of promotion of the petitioner has been changed from 22.12.2008 to 31.08.2015 in compliance of the decision rendered by the Hon'ble Supreme Court in Civil Appeal No.10004-10006 of 2010 in CWP-21663-2008 and

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RA No.340 of 2009. Learned Senior Counsel further contends that the petitioner has been serving as a Head of the Department (Electronics) since 22.12.2008 and thus, the subsequent decision taken by the Hon'ble Supreme Court in Civil Appeal No.10004-10006 of 2010 in CWP-21663-2008 and RA No.340 of 2009, will not adversely affect the case of the petitioner, promoting him as a Head of the Department. In support of his contentions, learned Senior Counsel relies upon the judgment dated 28.09.2006, rendered by the Hon'ble Supreme Court in I.A. No.16 in Civil Appeal No.4339 of 1995, titled as 'Union of India Vs. Madras Telephone SC & ST Social Welfare Association'.

Learned Senior Counsel further contends that the petitioner has already moved a representation dated 08.06.2022 (Annexure P-2) before the Additional Chief Secretary, Department of Technical Education Haryana, for redressal of his grievance, which is still pending adjudication, and that the petitioner would be satisfied in case a time bound direction is issued to the aforesaid authority to decide the said representation and during that period, operation of the impugned order(s) may be stayed.

Notice of motion.

On the asking of this Court, Mr. Rajesh Gaur, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State.

I have heard the learned counsel for the parties.

In view of the prayer made by the learned Senior Counsel for the petitioner during the course of hearing, but without expressing any opinion on the merits of the case or the claim being made by the petitioner

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in his representation, the competent authority is directed to decide the aforesaid representation dated 08.06.2022 (Annexure P-2) by passing a speaking order, within a period of eight weeks from the date of receipt of copy of this order.

Till the decision of the aforesaid representation, operation of the impugned order(s), qua the petitioner, shall remain stayed.

Disposed of.

06.01.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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