

**CM-18261-CWP-2023 in/and
CWP-1276-2020 2023:PHHC:138197 1
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**(103+234) CM-18261-CWP-2023 in/and
CWP-1276-2020
Date of Decision : October 30, 2023**

Om Pal .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sangita Dhanda, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Abhilaksh Grover, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-18261-CWP-2023

As prayed for, the application is allowed.

Replication to the written statement filed on behalf of respondents No.1 to 3, is taken on record.

CWP-1276-2020

1. In the present writ petition, the grievance of the petitioner is that there were charge sheets, which were pending against respondent No.4 which make respondent No.4 ineligible for the grant of promotion to the post of Naib Tehsildar.

2. Learned counsel for the petitioner submits that an employee, who is facing the departmental proceedings, cannot be promoted hence, the promotion of respondent No.4 as ordered vide order dated 11.09.2019 (Annexure P-10) is bad in law.

3. Learned counsel for the petitioner further submits that another charge sheet dated 16.08.2019 was pending against respondent No.4 on the

day when the impugned order of promotion was passed and is still pending and therefore, respondent No.4 could not have been promoted to the post of Naib Tehsildar.

4. Learned State counsel submits that vide impugned order dated 11.09.2019 (Annexure P-10), respondent No.4 was promoted as Naib Tehsildar with effect from 15.07.2019 when his junior Ashok Kumar and others were promoted hence, as the date of promotion of the petitioner is 15.07.2019, the charge sheet dated 16.08.2019 cannot be an impediment.

5. Learned State counsel further submits that keeping in view the interim order passed by this Court dated 07.02.2020, the charge sheet dated 16.08.2019 could not be finalized and in case given a chance, the Department will finalize the said charge sheet and pass appropriate order to finalize the proceedings qua the said charge sheet and in case any action needs to be taken in respect of those proceedings, the same will be taken within a period of four weeks of finalization of the charge sheet dated 16.08.2019.

6. Learned counsel for the petitioner submits that the Department be directed to finalize the said charge sheet in a time bound manner so that the petitioner does not suffer any prejudice.

7. Learned State counsel submits that the charge sheet dated 16.08.2019 will be finalized within a period of four months of the receipt of copy of this order.

8. Keeping in view the above, no further orders are required to be passed in the present writ petition and the same is accordingly disposed of.

October 30, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No