

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

115

CWP-7732-2023 (O&M)

Date of Decision: 20.04.2023

PARDUMAN SINGH AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. SP Laler, Advocate
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari quashing the promotion order dated 03.04.2023 (Annexure P-9) passed by the Principal Secretary to Government of Haryana, Higher Education Department and further for issuance of a writ in the nature of Mandamus directing the respondents to consider the case of the petitioners for promotion to the posts of Director/Principal, by taking into consideration their length of service.

Learned counsel for the petitioners, while relying upon the the short reply filed by the respondent-State in CWP-2630-2020, has argued that the respondent-Department has already accepted the claim of the petitioners and had regularized their services w.e.f. 31.01.1996, in view of the Notification dated 03.07.2014. He further submits that keeping in view the regularization order of the petitioners, their seniority be re-fixed and they be placed accordingly. He further submits that some of the juniors to the petitioners, have already been promoted and that the respondent-Department is in further process of promoting the other employees, who are junior to the petitioners.

At this stage, learned counsel for the petitioners submits that for redressal of their grievances, the petitioners have moved a representation dated 12.08.2022 (Annexure P-18), but the same has not been decided till date. He confines his prayer to the issuance of directions to the respondents to decide the said representation of the petitioners in a time bound manner.

Notice of motion to respondents No.1 and 2 at this stage.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice on behalf of respondents No.1 and 2-State and submits that he has no objection if the aforesaid limited prayer made by the learned counsel for the petitioners, is allowed.

In view of the above, the present petition is disposed of with a direction to respondent No.2-Director General, Higher Education, Haryana, to decide representation dated 12.08.2022 (Annexure P-18) moved by the petitioners, within a period of eight weeks from the receipt of a certified copy of this order, by passing a speaking order, as per law and considering the fact that the services of the petitioners have already been regularized w.e.f. 31.01.1996.

However, till the time decision is taken by the respondent-Department, no further promotion shall be made. The respondent-Department would be at liberty to proceed further, after the decision is taken on the representation of the petitioners.

20.04.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*