

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 9591 of 2023****Date of Decision: 11.05.2023**

Budhi Raj Singh Sidhu

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Suvir Tandon and Mr. Sandeep Wadhawan, Advocates
for the petitioner(s).

Mr. Vikas Arora, Assistant Advocate General,
Punjab.

Anil Kshetarpal, J.

1. On 04.05.2023, this Court has passed the following order:-

“The petitioner is stated to be due for retirement on 30.06.2023. He prays for the directions to the respondents to consider his claim for promotion from the post of Block Development and Panchayat Officer to the District Development and Panchayat Officer while directing the Vigilance Department to remove the case of the petitioner from the vigilance portal.

Notice of motion.

On the request of the Court, Mr. Vikas Arora, Assistant Advocate General, Punjab, accepts notice on behalf of the respondents and submits that the petitioner's claim for promotion was considered in the meeting held on 11.11.2022 by

Civil Writ Petition No. 9591 of 2023

the Departmental Promotion Committee, however, the same was kept in a sealed cover on account of a note in the vigilance portal. It would be noted here that the petitioner claims that in FIR No. 46 dated 25.08.2004, he has been acquitted, whereas a vigilance inquiry is stated to be pending against the petitioner since 03.02.2004, however, he has never been summoned.

The learned State counsel prays for a short accommodation to get the appropriate instructions.

List on 11.05.2023 for further consideration, in the urgent list.”

2. The learned State counsel, on the instructions from Mr.Navdeep Singh, Law Officer, Department of Rural Development and Panchayat, submits that the petitioner has earned acquittal in the criminal case arising from FIR No. 46 dated 25.08.2004, whereas the pendency of the vigilance inquiry against him on the portal of the Vigilance Department is due to an error because no material against the petitioner was found in that enquiry. However, the name of the petitioner shall be removed within 15 days from today after the receipt of formal report from the department concerned. The learned State counsel also submits that the proceedings of the Departmental Promotion Committee qua the petitioner have been kept in the sealed cover only on account of a note on the portal of the Vigilance Department.

3. Keeping in view the aforesaid facts, the competent authority is directed to forthwith open the proceedings of the Departmental Promotion Committee which were kept in the sealed cover and pass the consequential orders without waiting for formal removal of the name of the petitioner from

the portal of the Vigilance Department in view of the facts and circumstances of the present case.

4. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

May 11, 2023
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No