

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

**COCP-1787-2020 (O&M)
Date of decision: 25.07.2023**

Manoj Kumar

... Petitioner

Vs.

Mohammed Shayin, IAS

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Divyansh Shukla, Advocate for
Mr. Hitesh Pandit, Advocate for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 29.01.2020
passed in CWP-12575-2017, vide which following directions were issued: -

“In the light of the position as noted above, impugned order Annexure P/9 dated 01.07.2015, rejecting the petitioner’s representation for promotion, is quashed and the writ petition is disposed of by directing the competent authority to consider and decide the claim of the petitioner for promotion to the post of UDC by taking the date of Part-I and Part-II of the departmental promotion examination as 24.09.2007 and 27.01.2009 respectively, as also by taking into account all aspects of the matter, within two months from the date of receipt of certified copy of this order.”

As per compliance affidavit dated 30.09.2020 of Deputy Secretary/NGF, Office of Superintending Engineer/Administration-II, HVPNL, Panchkula, a speaking order was passed on 11.05.2020 and case of the petitioner was considered w.e.f. 27.01.2009. It is stated that claim of the petitioner for deemed date of promotion as UDC (Field) by taking the date of Part-I and Part-II departmental promotion examination as 24.09.2007 and 27.01.2009 respectively was considered and it is not found feasible for acceptance, as no other official/LDC, including his junior, was promoted under 50% qualified promotional qua between the period from 27.01.2009 to 06.04.2010.

Since there is no willful disobedience on the part of the respondents, present petition is dismissed.

However, liberty is granted to the petitioner to challenge the speaking order before the appropriate Court, in accordance with law.

[ARVIND SINGH SANGWAN]
JUDGE

25.07.2023

vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No