

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15630-2023

Date of decision: 11.08.2023

Anurag Mahajan

.....Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Dhiraj Chawla,, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the respondent No.1 to promote the petitioner to the vacant post of Chief Engineer (O&M) being fully eligible and senior most and already considered vide orders dated 29.10.2018 (Annexure P-4) but for his refusal vide letter dated 01.11.2018 (Annexure P-5) on account of serious medical condition of his parents resulting into debarment from promotion for a period of two years vide orders dated 10.12.2018 (Annexure P-7).

Learned counsel for the petitioner contends that petitioner will retire at the age of 58 years on 31.03.2024 and therefore, is left with 8 months of service to his credit. The petitioner was appointed as Assistant Corporation Engineer on 01.06.1999. Thereafter, petitioner was promoted to the post of Corporation Engineer on 27.02.2009 then further he was promoted to the post of Superintending Engineer on 22.01.2016. He submits that respondent No.1 vide letter dated 29.10.2018 directed the Municipal Corporation, Amritsar to send the service record of the petitioner of last five years as his case for promotion to the post of Chief Engineer was under consideration by the Government. He further submits that respondent No.1 debarred the petitioner for further promotion for a

period of two years as per Rule 18(2) of the Punjab Civil Services, (General and Common Conditions of Service) Rules, 1994 as vide his letter dated 31.10.2018 petitioner had expressed his unwillingness. He further submits that petitioner made number of representations requesting for such consideration for promotion to the post of Chief Engineer dated 06.09.2022, 23.09.2022, 21.11.2022, 01.02.2023 and 20.06.2023 but to no avail. He again submits that petitioner has served a legal notice dated 20.06.2023 (Annexure P-9) to the respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice, by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of respondent No.1 and raise no objection in deciding the legal notice dated 20.06.2023 (Annexure P-9) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case file.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 20.06.2023 (Annexure P-9), respondent No.1 is directed to decide the aforesaid legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

11.08.2023
Sapna