

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

(208)

CWP-7286-2015

Date of Decision : September 11, 2023

Birma Devi**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. R.K. Malik, Senior Advocate, with
Mr. Sandeep Dhull, Advocate, for the petitioner.

Ms. Shruti Jain, Sr. Deputy Advocate General, Haryana.

Mr. Rajesh Kumar Kataria, Advocate,
for respondents No. 8 to 10, 29 to 33 and 42.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the prayer of the petitioner is for the grant of benefit of reservation for promotion to the post of Inspector in the Department of Food and Supply.

2. Learned senior counsel for the petitioner submits that the claim of the petitioner has already been considered keeping in view the affidavit filed by Mr. N.K. Mittal, Joint Director, Food Civil Supplies and Consumer Affairs Department, Haryana Chandigarh dated 14.11.2017 according to which, as per the data, the petitioner has been found entitled for promotion as Inspector w.e.f. 16.11.2017 against roster point No.40 for which, a physically handicapped employee is entitled for promotion.

3. Learned senior counsel for the petitioner further submits that once a finding has already been recorded qua the grant of promotion to the petitioner from a specific date, non-grant of the same is totally arbitrary and illegal especially when the reasons given by the respondents in paragraph 7

and 8 of the reply, does not dis-entitle the petitioner for the benefit of reservation under the physically handicapped quota in any manner.

4. Learned State counsel submits that the tentative opinion has been reflected in the chart Annexure RW/3 which needs to be finalized as to whether the petitioner is entitled for promotion from the said date or not and the said consideration will be completed within a period of eight weeks from today and appropriate order on the claim of the petitioner will be passed.

5. Learned senior counsel for the petitioner submits that let the respondents pass an appropriate orders qua the claim of the petitioner for promotion to the post of Inspector under the reservation of physically handicapped as depicted by the respondents in the affidavit dated 14.11.2017 within the time frame as stated by the learned State counsel.

6. It may be noticed that in case the respondents are of the view that the petitioner is entitled for promotion to the post of Inspector under the reservation from a particular date, the same be granted to the petitioner by passing an appropriate speaking order within a period of eight weeks from the date of receipt of copy of this order. Otherwise, reasons be given in the speaking order as to why the petitioner is not entitled for promotion from the date mentioned in Annexure RW/3 and the speaking order be conveyed to the petitioner for her information and necessary action.

7. The present petition is disposed of in above terms.

September 11, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No