

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

(220)

CWP-22611-2020

Date of decision: - 22.09.2023

Gauri Shankar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mohinder Pal, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for respondents No.1 to 4.

Mr. G.S. Gopera, Advocate
for respondents No.5 and 6.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned orders dated 29.10.2018 (Annexure P-16) and dated 13.12.2018 (Annexure P-17) passed by respondent No.3 vide which the confirmation to the present petitioner as ASI has been declined.

2. Learned counsel for the petitioner has submitted that there are certain subsequent events which had taken place on account of which the petitioner deserves to be confirmed and would also be eligible for further promotion. It is further submitted that the petitioner would give a detailed representation with respect to the same and prays that respondent

No.3 be directed to consider the same, in accordance with law, in a specified time frame and in case the pleas raised by the petitioner are found to be meritorious, then, grant him the appropriate relief.

3. Learned State counsel has submitted that the petitioner had approached this Court after much delay, but in case he submits a representation to respondent No.3, he would consider the same in accordance with law within a period of three months from the date of submission of the said representation. It is further submitted that the present order should not be construed as condoning the delay of the petitioner approaching the Court.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of in the following terms: -

- (i) It would be open to the petitioner to give a detailed representation to respondent No.3, giving subsequent facts entitling him for confirmation and also for promotion, within a period of three weeks from today.
- (ii) In case any such representation is filed by the petitioner, respondent No.3 would consider the same within a period of three months from the date of submission of said representation and in case after considering the said representation, respondent No.3 is of the view that the pleas raised by the petitioner are meritorious, then, the necessary relief be granted to him as expeditiously as possible. In case the respondent No.3 is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the

claim be passed within the aforesaid period of three months.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.3 would consider and decide the matter independently, in accordance with law.

6. It is also made clear that the present order should not be construed as condoning the delay of the petitioner in approaching the Court.

September 22, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No