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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27864-2022 (O&M)
Date of Order:11.05.2023

LEKH RAJ

.Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Narinder Pal Sharma, Advocate
for the petitioner.

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J

C.M.No.7987 of 2023

1. Rejoinder on behalf of the petitioner to the reply filed by the respondents is taken on record.

MAIN

2. The petitioner herein is working as a Senior Assistant in the Department of Revenue and Rehabilitation, Punjab. He assails the correctness of the order passed on 27.09.2022, whereby the Additional Chief Secretary to the Government of Punjab has refused to open the proceedings of the Departmental Promotion Committee which were kept in a sealed cover to consider the petitioner's case for promotion as Superintendent Grade-I on account of pendency of a criminal case in FIR No.5, dated 05.12.2012, registered under Section 409/ 420/ 467/ 468/ 471/ 120-B and 201 IPC and Section 13(1) C, D read with Section 13(2) 88 P.C. Act, at Police Station VB Flying Squad-I, Punjab, Mohali.

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3. Admittedly the trial court has ordered acquittal of the petitioner by giving him the benefit of doubt. An appeal filed by the State against the judgment of acquittal is pending. The competent authority has refused to open the proceedings of the Departmental Promotion Committee which were kept in a sealed cover only on the ground that the appeal is pending.

4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. The learned counsel representing the State does not dispute the facts as already noticed. However, he submits that in the first appeal the entire evidence is required to be re-appreciated. Hence, it would not be appropriate to open the proceedings of the Departmental Promotion Committee till the time said appeal is not decided.

6. This court has considered and analyzed the submissions of the learned counsels representing the parties.

7. Today the position is that the petitioner stands acquitted. The proceedings of the Departmental Promotion Committee cannot be kept in a sealed cover till eternity. An employee has a right of consideration for promotion as and when his turn comes. The promotion of the petitioner has already been delayed. In such circumstances, the competent authority can open the proceedings of Departmental Promotion Committee and grant consequential relief to the petitioner which can be made subject to the decision of the appeal.

8. Keeping in view the aforesaid facts and discussion, the order dated 27.09.2022 (Annexure P-6) is set aside and the Competent Authority is requested to open the proceedings of the Departmental Promotion

Committee and take a consequential steps in accordance with law, within a period of one month, from today, positively.

9. With these observations, the writ petition is disposed of.
10. All the pending miscellaneous applications, if any, are also disposed of.

May 11, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:YES/NO

Whether reportable:YES/NO