

CWP-24901-2023

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2023:PHHC:140948

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24901-2023

Date of decision: 06.11.2023

Sunil Kumar

.....Petitioner

V/s

Punjab State Power Corporation Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vijay Pal, Advocate and
Ms. Ishaan Bhardwaj, Advocate for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to promote the petitioner to the post of Clerk/LDC w.e.f. 13.11.2020 by opening the sealed cover in compliance of their instructions dated 21.09.2001 (Annexure P-12) along with all consequential benefits. The petitioner's case for promotion was kept under sealed cover due to FIR dated 17.02.2018 (Annexure P-2) and with a further directions to the respondents to include the name of the petitioner in the present ongoing DPC proceedings for promotion to the post of Clerk which were initiated vide letter dated 19.04.2023 (Annexure P-9) and promote the petitioner w.e.f. 13.11.2020 i.e. when the other counterparts of the petitioner were promoted by the respondent-Corporation and to open the sealed cover dated 13.11.2020 (Annexure P-4) of the petitioner's case

and promote in to the post of Clerk/LDC w.e.f. the date his other counter parts were promoted to the post of Clerk vide order dated 13.11.2020 (Annexure P-4).

Learned counsel for the petitioner contends that on 18.08.2015, the petitioner was appointed as Chowkidar in the respondent-Corporation and thereafter, on 27.08.2015 the petitioner had joined the respondent-Corporation as Chowkidar. On 17.02.2018, one FIR No.0028 under Sections 323, 341, 342, 506, 148, 149 of IPC was registered against 15 persons at Police Station Pasyana, District Patiala and the petitioner was also named in the aforesaid FIR. The respondent-Corporation promoted 18 persons to the post of LDC under the 20% quota for matric pass Class-IV employees whereas, the name of the petitioner was deferred and kept in sealed cover by way of same order dated 13.11.2020 on the ground that the FIR No.28 dated 17.02.2018 (Annexure P-2) is pending against the petitioner. Subsequently, vide order dated 27.05.2022, the respondent-Corporation issued the list of those employees whose cases for promotion to the post of Clerk have been deferred/sealed cover/ignored etc. wherein, the name of the petitioner was also mentioned in the said list at Sr. No.5 with the remarks that the name of the petitioner is kept in sealed cover due to FIR No.28 dated 17.02.2018 which is pending. Learned counsel further contends that around 36 Juniors of the petitioner were promoted to the post of Clerk except petitioner. Another 31 persons who were junior to the petitioner were promoted to the post of clerk. Again another 76 persons were promoted to the post of Clerk from Class-IV employees. On 17.04.2023, the respondent-Corporation has sought the service details of Group-IV employees for promotion to the post Clerk under 16% quota. The petitioner submitted the representation dated 14.06.2023 (Annexure P-10) to the respondent-Corporation to open his name from sealed cover for promotion to the post of Clerk subject to the condition that if at latter stage the

petitioner is convicted in the Criminal case then he will be bound to forego the benefits taken by him whereas, no action upon the said representation of the petitioner have been taken till date.

Notice of motion.

Mr. H.S. Baidwan, Advocate, has put in appearance in the Court, accepts notice on behalf of the respondents by filing his *power of attorney*, which is taken on record. He does not object to the prayer made by learned counsel for the petitioner.

After going through the contents of the representation, the representation seems to be vague, wherein no specific detail has been mentioned.

Faced with this, learned counsel for the petitioner submits that present writ petition be treated as representation and same be decided within a time bound manner by looking into the grievances of the petitioner.

Prayer is allowed and the present writ petition is disposed of without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondents are directed to treat the present writ petition as a representation and decide the same in accordance with law, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

06.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No