

**105 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 28835 of 2022

Date of decision : February 09, 2023

Simerjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Arihant Goyal, Advocate
for the petitioner.

Pankaj Jain, J (oral).

Present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus in the form of direction to respondent-authorities to appoint the petitioner as Sub Inspector instead of ASI with all consequential benefits .

Learned counsel for the petitioner submits that petitioner was appointed on compassionate basis as Asstt. Sub Inspector. The petitioner claims to be eligible for the post of Sub Inspector and entitled for the same in terms of policy of the respondents as per which dependent of the deceased Group C and D employee is entitled to be appointed as per eligibility of Group C/D posts.

Learned counsel for the petitioner submits that legal notice served at

the behest of the petitioner dated 4.8.2022 placed on record as Annexure P-5 still awaits adjudication at the hands of the respondents. He submits that at this stage, petitioner would be satisfied, if the said legal notice is decided by passing a speaking order within a time bound frame.

Notice of motion.

Mr. Charanpreet Singh, AAG., Punjab who is present in Court accepts notice on behalf of the State.

He submits that respondent No.2/competent authority will look into the matter and will take a decision on the claim raised by the petitioner in the legal notice, in accordance with law.

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

Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.2-Competent Authority is directed to consider and decide the claim made in the legal notice dated 04.08.2022 (Annexure P-5), in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, his claim be released within a period of four weeks thereafter. However, in case the respondents found that claim of the petitioner merits rejection the same be adjudicated by passing a speaking order within the time frame as stipulated hereinabove. It is made clear

that in case time limit as stipulated hereinabove is not abided, respondent No.2 shall be liable to deposit an amount of Rs.10,000/- as costs which would be paid out of his pocket.

The petition stands disposed off.

(PANKAJ JAIN)
JUDGE

February 09, 2023
archana

Whether speaking/reasoned Yes
Whether Reportable No