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

CWP-26532-2023

Date of decision: 28.11.2023

Kewal Kishore

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shalender Mohan, Advocate and
Dr. Purushotam Gaur, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 23.12.2021 (Annexure P-9) vide which promotion has been granted to the private respondents i.e., respondent Nos.3 to 5 notionally w.e.f. 01.08.1998, 01.12.1998 and 01.02.1998 respectively. Challenge has also been made to the order dated 10.08.2023 (Annexure P-15) passed by respondent No.2, vide which the claim of the petitioner filed vide representation dated 29.03.2023 (Annexure P-14) has been rejected.

2. Learned counsel for the petitioner has submitted that a perusal of the order dated 10.08.2023 (Annexure P-15) passed by respondent no.2 would show that the same is cryptic and non-speaking and no reference has been made to the detailed averments made in the representation dated 29.03.2023 (Annexure P-14) and no reference to any rule or regulation of

the policy has been made while rejecting the case of the petitioner and has prayed that at any rate, the order dated 10.08.2023 (Annexure P-15) be set aside and respondent no.2 be directed to pass a fresh order, in accordance with law, after considering the averments made in the representation dated 29.03.2023 (Annexure P-14).

3. Learned State counsel has submitted that respondent no.2 would pass a fresh order after taking into consideration the averments made in the representation dated 29.03.2023 (Annexure P-14), as expeditiously as possible, preferably within a period of 3 months from today.

4. Keeping in view the above said facts and circumstances, the present petition is partly allowed and the order dated 10.08.2023 (Annexure P-15) is set aside and respondent no.2 is directed to reconsider the matter after taking into consideration the averments made in the representation dated 29.03.2023 (Annexure P-14) and also after taking into consideration the rules and regulations of the policy, by passing a speaking order and the same be done within a period of three months from today.

5. It is made clear that this Court has not opined on the merits of the case and respondent no.2 would consider the matter independently, in accordance with law.

28.11.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No