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

Date of decision: 08.12.2023

.....Petitioner

...Respondents

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

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 consider the case of petitioner for promotion to the post of clerk on the basis of seniority, experience as well as in view of the fact that other similarly situated and even lesser in merit employees of the department have already been granted the similar relief and either they have been directly recruited to the post of Clerk, or have been promoted to the post of Clerk, and for which a legal notice dated 23.08.2023 (Annexure P-6) was served which is being denied through the impugned communication/reply dated 16.10.2023 (Annexure P-7).

Learned counsel for the petitioner contends that the petitioner presently serving as a Sewadar in the respondent-Department in Municipal Corporation Abohar District Fazilka. He submits that although the other other similarly situated employees or even persons lesser in merit have been granted appointment on compassionate grounds on the post of clerk, and in this way,

discrimination is being done to the petitioner, who is entitled for promotion to the

post of Clerk, since he is having experience of about 8 years for serving as a Sewadar in the Municipal Corporation, and more so, there are instances where the other employees of the department who were also appointed on compassionate basis, having equal qualification of 10+2 have either been recruited directly as Clerks, or have been promoted to the post of clerk, but the case of petitioner has not been considered for the said promotion to the post of Clerk.

Learned counsel further contends that legal notice dated 23.08.2023 (Annexure P-6) has not been disputed as only reply dated 16.10.2023 (Annexure P-7) has been sent by the respondent-Department and same has not been accepted. He submits that the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 and 2 and Mr. Sanjeev Soni, Advocate has put in appearance in Court, accepts notice on behalf of respondent No.3.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 23.08.2023 (Annexure P-6), respondent No.3 is directed to decide the aforesaid legal notice 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.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

08.12.2023
Sapna