

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-2639-2024 (O&M)
Date of decision: 07.02.2024

Gurmail Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Arora, Advocate for the petitioner

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition have been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari/mandamus for quashing the action of the respondents to the extent, whereby, while considering and granting promotion to the petitioner on the post of Superintendent Grade-II vide order dated 26.06.2023, the promotion from due date was not considered.

2. Learned counsel would contend that the promotion has been granted to the petitioner from the date of the order dated 26.06.2023, though there was a recommendation dated 31.03.2021, Annexure P-12, for it to be with retrospective effect from 2019, on account of the fact that Sh. Madan Lal-respondent No.5, who also belonged to the SC Category and placed at Seniority No.33, was wrongly promoted against a reserved point instead against that of General Category, on basis of his own seniority. In this regard, a representation dated 07.06.2023, Annexure P-12, has been submitted by him, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given

to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Vaishnav Gandhi, DAG Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent Nos.1 to 3 to consider the representation dated 07.06.2023 (Annexure P-12) and decide the same, within a period of 3 months and if found entitled, necessary benefits be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

07.02.2024
M.Kamra

Whether speaking/reasoned

Whether reportable

: Yes / No

: Yes / No