

2024:PHHC:027846
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

120 CWP-4546-2024 (O&M)
Date of decision: 28.02.2024

Jarnail Singh ..Petitioner

Versus

State of Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Shashi Bhushan Nagpal, Advocate for the petitioner.

AMAN CHAUDHARY, J

1. The prayer in the present Civil Writ Petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus directing the respondents to promote the petitioner notionally from 26.11.1985 instead of 16.02.2010.
2. Learned counsel would contend that Mangal Dass, who was admittedly junior to the petitioner was promoted vide order dated 26.11.1985, while the petitioner was promoted on 16.02.2010. Though the date of promotion has been changed to 01.09.2011, however, he has been given arrears from the year 1985. As such, even the petitioner is entitled to the same. It would have been yet another case, had Mangal Dass not been paid the arrears. These aspects have not been taken into consideration by the competent authority. He prays that liberty be granted to him to bring to the notice of the authorities all these facts supported by documents to substantiate them, for which he would file a representation/legal notice within four weeks. 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. Charanpreet Singh, AAG, 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 that in case the petitioner submits a representation within a period of four weeks, the same shall be considered and decided by the respondents taking into account the pleas of the petitioner, within a period of six months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

28.02.2024
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No