

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

(127)

CWP-5101-2024

Date of decision: - 04.03.2024

Ashwani Kumar Sharma

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Monica Chhibber Sharma, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to consider the claim of the petitioner for deemed promotion to the post of Superintending Engineer.

2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner, the petitioner has given a legal notice dated 24.07.2023 (Annexure P-15) and at this stage, the petitioner would be satisfied in case competent authority of respondent No.1-State considers the same, in accordance with law, within a specified time frame and in case the pleas raised by the petitioner are found to be meritorious, then, grant the appropriate relief to the petitioner.

3. Learned counsel appearing for the respondents has submitted

that competent authority of respondent No.1-State would consider the said legal notice dated 24.07.2023 (Annexure P-15), filed by the petitioner, in accordance with law and the same would be done within a period of three months from the date of certified copy of this order.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of, with a direction to competent authority of respondent No.1-State to consider the legal notice dated 24.07.2023 (Annexure P-15) filed by the petitioner within a period of three months from the date of receipt of the certified copy of this order and in case, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritorious, then, the appropriate relief be granted to the petitioner as expeditiously as possible. In case, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of three months.

5. It is made clear that this Court has not opined on the merits of the case and competent authority of respondent No.1-State would consider and decide the matter independently, in accordance with law, after taking into consideration all aspects including the aspect of delay.

March 04, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No