

113

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-7037-2024
Date of Decision: 22.03.2024

Rajbir Singh Petitioner
Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the action of the respondents as the petitioner was promoted from the post of Peon to Clerk, but he doesn't know any clerical work and therefore, has prayed that the respondents be directed to consider his claim and revert him to the post of Peon with further prayer in the nature of *mandamus* directing the respondents to consider the representation dated 16.12.2023 filed by the petitioner vide Annexure P-9.

2. Learned counsel for the petitioner submitted that the petitioner had joined the service on 21.04.1986 on *ad hoc* basis as a Peon in the respondent-Bank and thereafter he was promoted to the post of Clerk on 24.02.2015. He further submitted that the grievance of the petitioner is that even after getting promoted to the aforesaid post the pay scale drawn by the Peon was more than that of Clerk. He also submitted that although the

petitioner was promoted from the post of Peon to Clerk, but he doesn't know any clerical work and therefore, he requested the respondent-Bank to revert him to the post of Peon as he is ready to forego his promotion and his case is similar to that of other employees, who were also promoted to the post of Clerk and since they did not know any clerical work, they were reverted to the post of Peon. He further submitted that a representation dated 16.12.2023 (Annexure P-9) was filed by the petitioner to the respondent-Bank but no action has been taken in this regard. He submitted that at this stage, the petitioner will be satisfied in case a direction is issued to respondent No.2 to consider and decide the representation moved by the petitioner in accordance with law and as expeditiously as possible because the petitioner will be completing the age of 58 years on 31.03.2024.

3. Notice of motion.

4. On the asking of the Court, Mr. Samarth Sagar, Additional Advocate General, Haryana, who is present in Court, appears on behalf of the respondent No.1.

5. At this stage, Mr. Rajvir Singh Sihag, Advocate has caused appearance and filed his Vakalatnama on behalf of respondent No.2 in Court today and the same is taken on record. He stated that he has no objection, in case the limited prayer of the petitioner is accepted only for the purpose of considering and deciding the representation filed by the petitioner vide Annexure P-9 in accordance with law. He also submitted that since the petitioner is going to attain the age of 58 years on 31.03.2024, the aforesaid representation will be decided by respondent No.2 within a week from today.

6. In view of the aforesaid position, without calling for the reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider and decide the representation filed by the petitioner vide Annexure P-9 dated 16.12.2023 in accordance with law within a period of one week from today.

7. Needless to say that before passing the order, an effort shall be made to hear the petitioner since the learned counsel for the petitioner specifically submitted during the course of arguments that his case is similar to that of other employees, who had filed the writ petitions vide Annexures P-12 & P-13.

22.03.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No