

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-9106-2024 (O&M)
Date of Decision: 24.04.2024

Pritpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Paramjit Kaur Deol, Advocate for the petitioner.

AMAN CHAUDHARY J. (Oral)

1. The present petition is made to quash the orders dated 29.01.2021, 29.06.2022 and 15.03.2024, Annexures P-7, P-9 and P-11, respectively and further direct the respondents Nos.1 to 3 to consider the petitioner for promotion to the post of Assistant Director, Horticulture/Deputy Director, Horticulture w.e.f. 29.01.2021, with consequential benefits.
2. Learned counsel submits that the petitioner was appointed as Horticulture Development Officer on 19.01.1996, is due to retire on 31.10.2025, however despite being fully qualified and recommended for promotion, was not considered for the same due to pendency of disciplinary proceedings against him wherein he now stands exonerated and his suspension period was ordered treated as on duty vide orders dated 20.07.2023 and 24.11.2023, Annexures P-4 and P-5, respectively. She further submits that without considering his case, which ought to have been kept in sealed cover in terms of the judgment of Hon'ble the Supreme Court in **Union of India vs. K.V. Jankiraman**, 1991(4) SCC 109, persons junior

to him, namely Sh. Kuljit Singh, Sh. Sandeep Singh etc. have been promoted multiple times. In this regard, various representations have been filed by him, with the latest being 18.03.2024, Annexure P-12, which has yet not evoked any response. She 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. Satnam Preet Singh, 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 the respondents to consider and decide the representation dated 18.03.2024, within a period of six months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him, and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress.

(AMAN CHAUDHARY)
JUDGE

24.04.2024

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Whether speaking : Yes/No

Whether reportable : Yes/No