

**LPA No.1324 of 2023 (O&M)****#1#****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****LPA No.1324 of 2023 (O&M)****Date of decision: 23.07.2024**

Amarjeet Singh

.....Appellant

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Rajeshwar Singh, Advocate for the appellant.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J

Present appellant during the tenure of his service was last serving as Junior Assistant and from the said post, he retired on 31.01.2007. He had been consistently claiming that he be considered for promotion to the promotional post concerned but the impediment against his being promoted to the promotional post became aroused from the factum, that his purported delinquency was *sub judice* in the departmental inquiry. Resultantly, the present appellant's claim for his being considered for promotion though was considered but the employer adopted the sealed cover procedure, thus till the departmental inquiry became concluded. Therefore it has to be discerned whether the said launched departmental inquiry against the appellant, has been concluded or not.

In the above regard, it is but evident from a bare reading of Annexure P.3, that in respect of the relevant imputations of misconduct drawn against the appellant and others, thus they were found guilty and resultantly, recovery notice for a sum of Rs.21,654/- was drawn against him. It is further apparent from a

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from amongst the said amount of Rs.21,654. It is emphasized that by making deposit of the said amount, the present appellant acquiesced his guilt vis-a-vis the relevant article of charge as became drawn against him. Consequently, after conclusion of the departmental inquiry, since punishment (supra) as reflected in Annexure P.3 became imposed upon the present appellant, and, when for the reason supra, rather, the said imposed penalty/punishment on the present appellant, thus has been acquiesced by him.

Therefore, there was no occasion for the employer to, on superannuation of the present petitioner, open the sealed cover nor it also was open to the employer to in terms, of recommendation/proposal (if any) being made to consider the petitioner for being promoted to the promotional post, thus consider him for promotion to the promotional post.

The present writ petition is dismissed and the impugned order is upheld.

Dismissed.

(Sureshwar Thakur)

Judge

(Sudeepti Sharma)

Judge

July 23, 2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No