

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

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CWP-14007-2015 (O&M)
Date of decision: 04.04.2024

Ramesh Kumar Kindo

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present petition is filed for quashing the orders dated 10.06.2015 and 22.06.2015, Annexure P-1 and P-2, respectively, with a further prayer for release of consequential benefits of promotion alongwith interest @ 18% per annum.
2. Learned counsel, at the outset, gives up the challenge to order dated 10.06.2015, Annexure P-1, whereby respondent Nos.4 to 7 had been promoted, as also to order dated 22.06.2015, Annexure P-2, vide which the petitioner was transferred, in wake of the fact that he had since retired on attaining the age of superannuation. However, as regards the prayer seeking promotion to Superintendent Grade-II from the date his juniors were promoted, it is submitted that the same was not granted to him, only on account of registration of FIR No.1, dated 09.01.2009, against him, which has since been quashed by this Court, following the order being set aside, whereby sanction to prosecute him had been granted by an authority having no jurisdiction, in CRM-M-25312-2010 on 14.10.2015, Annexure P-9 and the untraced report was also accepted on 09.12.2016, Annexure P-10. Even the

departmental inquiry initiated qua the same allegations was dropped on 30.04.2015, Annexure P-6. He thus prays, on instructions, that the petitioner would be satisfied, in case a time bound direction is given to the respondents to reconsider his claim, the aforesaid proceedings having been not taken ahead and by taking note of para 6(a) of the written statement that the petitioner was senior to the private respondents, he was entitled for promotion from the date his juniors were promoted and only notional benefits are now to be granted of refixation of pension etc..

3. Learned State counsel has no objection to the limited prayer made.

4. 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 that claim of the petitioner be considered and decided, in view of the pleas raised herein and within a period of three 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.

(AMAN CHAUDHARY)
JUDGE

04.04.2024
Hemant

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No