



CWP-17766-2020

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-17766-2020
Date of Decision: 23.08.2024

Chander Bhan Petitioner

Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Rahish Pahwa, Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Divyansh Shukla, Advocate for
Mr. Hitesh Pandit, Advocate,
for respondent No.3.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to consider the case of the petitioner for promotion from the post of Mali to the post of Clerk and grant promotion from the date when his juniors have been promoted.
2. Learned counsel for the petitioner submitted that the petitioner was appointed as Mali in the year 1987 and was regularised on the aforesaid post in the year 1993 vide Annexure P-1. Thereafter, the petitioner has been granted the charge of Clerk for large number of years and he has even been working on the aforesaid post but has now been promoted to the aforesaid post. She further submitted that the petitioner has a right to be considered for



being promoted not only because of the fact that he had been working on the aforesaid post on current duty charge basis but also in view of the fact that similarly situated persons, who were also working as Mali, have also been promoted to the post of Clerk and a reference to Annexure P-12 has also been made in this regard. She also submitted that a representation was given to respondent No.3 vide Annexure P-10 and a legal notice was also issued vide Annexure P-11 to the Commissioner, Municipal Corporation, Faridabad (Respondent No.3) but no action has been taken in this regard. She submitted that at this stage, the petitioner would restrict the scope of the present petition only to the extent that in case a direction issued to respondent No.3-Commissioner, Municipal Corporation, Faridabad to consider and decide the legal notice (Annexure P-11) filed by the petitioner for promotion especially in the light of Annexure P-12 wherein other employees, who were working as Mali, were promoted as Clerk and speaking order may be passed with regard to the same in accordance with law and in a time bound manner.

3. Mr. Divyansh Shukla, Advocate has appeared on behalf of Mr. Hitesh Pandit, learned counsel for respondent No.3 and submitted that so far as the aforesaid limited claim of the petitioner at this stage is concerned, he has no objection, in case, a direction is issued to respondent No.3 for considering and deciding the legal notice (Annexure P-11) in accordance with law and within a fixed time frame.

4. After hearing the learned counsels for the parties and without observing anything on the merits of the case, the present petition is disposed of. Respondent No.3 is directed to consider and decide the legal notice (Annexure P-11) filed by the petitioner strictly in accordance with law and



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also in the light of the fact as so stated by the learned counsel for the petitioner that the other persons, who were also working as Mali, have been promoted to the post of Clerk and also in reference to Annexure P-12 dated 27.04.2020 in this regard within a period of three months from today by passing a well-reasoned speaking order and also by affording an opportunity of hearing to the petitioner or his counsel.

23.08.2024

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No