

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

Date of Decision : 27-09-2024

.....Petitioner

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

Present: Ms. Mansi, Advocate for
Mr. Padma Kant Dwivedi, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that the claim of the petitioner for promotion to the post of Medical Laboratory Technician, Grade-I has not been considered only on the ground that there is an FIR which has been registered against the petitioner though, the Police after investigation has already submitted the cancellation report.

Learned counsel for the petitioner submits that even otherwise, keeping in view of the judgment of the Hon'ble Supreme Court of India in "***Union of India etc Vs. K.V Janki Raman***", 1991(4) SCC 109, decided on 27.08.1991, the criminal proceedings which will come in the way of an employee to withhold the promotion only in case, the charges have been framed against an employee and in the present case, no charges have been framed against the petitioner hence, the FIR in question cannot be brought against the petitioner so as to withhold his promotion hence, the respondents are under obligation to grant the petition the benefit of promotion by considering his claim as well to the post of Medical Laboratory Technician, Grade-I.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the representation dated 26.09.2023 (Annexure P-10) but the same is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Charanpreet Singh, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the legal notice dated 26.09.2023 (Annexure P-10) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order. Learned counsel further submits that in case, it is found feasible to accept the claim of the petitioner, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioner in the speaking order to be passed and the said order will be duly conveyed to the petitioner.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

27-09-2024

Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO