

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

CWP-4341-2024 (O&M)
Date of decision: 26.02.2024

Dalbir Chand

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vipin Mahajan and Ms. C.K. Ahluwalia, Advocates
for the petitioner

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents authorities to consider the case of the petitioner for promotion to the post of foreman instructor.
2. Learned counsel would contend that the petitioner was not granted promotion to the post of Foreman Instructor, while his junior-Jasbir Singh was promoted, when the DPC dated 15.07.2008 was held, on account of the fact that he had 11 marks instead of required 12 marks, which was the error on the part of Assistant, who prepared the agenda, which fact has been admitted by the Department in a reply given to the letter dated 28.09.2020, Annexure P-7, wherein it was also mentioned that the seniority list would be finalised, upon which his case would be considered. Thereafter, a legal notice was served upon respondents on 14.10.2022, Annexure P-8. He relies on a communication dated 23.10.2023, Annexure P-9, addressed by Under Secretary, Punjab to Director, Technical Education and Industrial Training, wherein at serial No.1, it has been so stated that

the case of the petitioner for claiming promotion from back date is pending, however, no decision has been taken thereon. He 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. Swapan Shorey, DAG Punjab accepts notice on behalf of the respondent-State and on instructions from Mr. Manoj Kumar, Lecturer, Department of Technical Education submits that the case of the petitioner is under active consideration 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 respondents to consider and decide the legal notice dated 14.10.2022, Annexure P-8 within a period of 2 months and if found entitled, necessary benefits be granted to the petitioner forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

26.02.2024
M.Kamra

Whether speaking/reasoned

Whether reportable

:

Yes / No

:

Yes / No