

2024:PHHC:019804

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

CWP-28943-2023 (O&M)

Date of decision: 13.02.2024

Sarabjeet Singh Bhatti

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ritesh Aggarwal, Advocate for the petitioner.

AMAN CHAUDHARY J.

1. The prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of certiorari for quashing the order dated 30.05.2022 (Annexure P9) passed by respondent No.2.

2. Learned counsel would contend that the petitioner has not been considered for promotion only on account of the fact that he was awarded a major penalty, however, on representation the same was reduced to a minor punishment and therefore, he was entitled for consideration of promotion w.e.f. the date of from which his junior had been promoted. Reliance is placed on the judgments in **S. Arasappan vs. The Secretary to Government, Departmental Promotion Committee, Writ Petition (MD) No.9000 of 2009 and MP (MD) No.1 of 2009, SS Karan vs. Punjab and Haryana High Court and others, CWP-4534-2003, Kuldeep Kaur vs. Punjab and Haryana High Court and another, CWP-25278-2014 and Jagir Singh vs. State of Punjab and others, CWP-16518-2008.** A legal notice dated 09.03.2023 (Annexure P-10), has been served upon the respondents, which has not yet evoked any response. 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. Gagneshwar Walia, Addl. AG, Punjab accepts notice on behalf of the respondent-State 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 the legal notice dated 09.03.2023, Annexure P-10 and decide the same, in light of fact mentioned above and the judgments referred to, by the petitioner, within a period of 3 months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner.

13.02.2024

ashok

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No