



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

442

CWP-13167-2002 (O&M)
Date of decision: 15.02.2025

Babu Lal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vipin Mahajan, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the order dated 05.08.2002, Annexure P-11, vide which the claim of the petitioner for promotion to the post of Food & Supplies Officer from the date his juniors have been promoted, has been rejected.

2. The case of the petitioner declared as Scheduled Caste, was appointed as Inspector on 18.05.1967, Annexure P-1 against the vacancy reserved for Scheduled Caste on temporary basis, by granting the benefit of reservation and further promoted as Assistant Food and Supplies Officer on 30.04.1977 as also Food and Supplies Officer on 25.07.2001. However, his junior Sohan Singh, who was appointed on 11.04.1970 and was at Serial No.327 of in the seniority list, while the petitioner was No.298, as stated in para 5 of the petition and admitted in corresponding para of the written statement, was promoted to the said post vide order dated 08.01.2002 w.e.f. 21.04.1994.

3. The claim has been rejected primarily on the ground that the instructions dated 17.01.1996, provided that the benefit of reservation to those,

who were in the category of Scheduled Caste of Chamar of other States, would not be granted the benefit in the State of Punjab also, even though in para 14 of the written statement, have been stated by the respondents to be applicable perspectively.

4. Additionaly, learned counsel submits that the petitioner would still be entitled for consideration of promotion from the date of his junior due to the fact that his caste ‘Chamar’ has been included in the category of the Scheduled Caste even in the State of Punjab and the SC certificates of his wife and children have been issued by State of Punjab, Annexure P-12 (Colly).

5. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents would not be averse to have a relook at the matter and decided afresh, taking note of the aforesaid submissions, within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

6. The aforesaid satisfies the learned counsel for the petitioner.

7. The matter stands disposed of accordingly and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same may be passed after granting opportunity of hearing to him and shall contain reasons, whereupon he shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

15.02.2025

M.Kamra

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