



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

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CWP-16124-2018 (O&M)
Date of decision: 15.01.2025

Maheshwar Chander

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.S. Rawat, Advocate for the petitioner

Mr. Sehajbir Singh Aulakh, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the present petition is for directing the respondents to promote the petitioner against one vacant post of SDO w.e.f. 30.05.2018, the date from which his colleagues were considered by the DPC, wherein he though was found eligible but the post was left vacant for being filled by SC category candidate, being 7th roster point.

2. Admittedly, the petitioner, during pendency of the present petition, has been promoted on 14.06.2019, Annexure R-3/T. Learned counsel submits that he was entitled for promotion with effect from the aforesaid date as claimed and it is way settled by Hon'ble the Supreme Court in **R.S. Garg vs. State of U.P. and Others** in Civil Appeal No.2903 of 2001, decided on 27.07.2006, that in the eventuality of therebeing any conflict between the percentage of reservation and roster point, the former must prevail. He thus, at this stage, on instructions from the petitioner, prays that a direction be given to the respondents to reconsider his matter, keeping in view the aforesaid judgment, in a time bound manner, which

learned State counsel has no objection.

3. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to reconsider and decide his claim, taking note of the afore-referred judgment, within a period of 6 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

15.01.2025
M.Kamra

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