



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

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CWP-26480-2025 (O&M)
Date of decision: 08.09.2025

Amir Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurnoor Singh Sethi, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab
for respondents No.1 and 2.

Mr. Vikrampreet Arora, Advocate
for respondent No.3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing for the order dated 12.03.2025 (Annexure P-2) whereby promotion of the petitioner on the post of Corporation Sanitation Officer is ignored by illegal adopting a sealed cover procedure against him in the absence of any departmental proceedings pending or issuance and service of charge sheet and solely on the basis of proposal to issue a charge-sheet. Further a writ of *mandamus* has been sought, directing the respondents to promote the petitioner on the post of Corporation Sanitation Officer w.e.f. the date his juniors have been promoted to the said post along with all consequential benefits.



2. Learned counsel for the petitioner, *inter alia*, contends that the act and conduct of the respondents in keeping the issue of promotion of petitioner pending under the sealed cover procedure is contrary to the settled law and till date, neither the petitioner has been served any charge-sheet nor he was ever placed under suspension in terms of the judgment of Hon'ble Supreme Court in ***Union of India vs. K.V. Jankiraman (1991) 4 SCC 109*** and ***Union of India vs. Dr. Sudha Salhan, (1998) 2 SSC 294***. He has placed reliance upon the judgment of Hon'ble Supreme Court in ***Union of India vs Doly Loyi, 2024 SCC (Online) SC 2613*** and submits that mere proposal or contemplation of disciplinary proceedings is not a valid ground for withholding the promotion of an employee.

3. Learned counsel for the petitioner further submits that he would be satisfied if the legal notice dated 26.05.2025 (Annexure P-3) of the petitioner is decided by respondent No.2 by passing a speaking order in a time bound manner.

4. Learned State counsel as well as learned counsel for respondent No.3, appearing on advance notice, submits that they have no objection, in case a direction is issued to the respondent No.2 for time-bound consideration and decision of the legal notice dated 26.05.2025 (Annexure P-3) of the petitioner by passing a speaking order. Learned counsel for respondent No.3 also could not controvert the fact that till date, no charge-sheet has been issued or served upon the petitioner.



5. Therefore, in view of the limited prayer made by learned counsel for the petitioner, the respondent No.2 is directed to consider the legal notice dated 26.05.2025 (Annexure P-3) of the petitioner in terms of *Union of India vs. K.V. Jankiraman (1991) 4 SCC 109*, *Union of India vs. Dr. Sudha Salhan, (1998) 2 SSC 294* and *Union of India vs Doly Loyi, 2024 SCC (Online) SC 2613* and pass a speaking order, after affording an opportunity of hearing to the petitioner, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted forthwith by respondent No.2.
6. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

08.09.2025
yakub

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