

(2020) 02 P&H CK 0125
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4460 Of 2020

Lakhwinder Sigh	Vs	APPELLANT
State Of Punjab And Others		RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2020) 02 P&H CK 0125

Hon'ble Judges : G.S. Sandhawalia, J

Bench : Single Bench

Advocate : J.S. Jaidka

Final Decision : Disposed Of

Judgement

G.S. Sandhawalia, J

In the present writ petition filed under Articles 226/227 of the Constitution of India the petitioner seeks direction to the respondents authorities to

promote him as Research Officer w.e.f. 01.07.2019 when similarly situated persons were promoted and the petitioner was not promoted being

similarly situated and vacancies available.

Counsel for the petitioner submits that the petitioner superannuated on 31.08.2019 and is currently on extension with the respondents. Counsel has

pointed out from Annexure P-1 that on 12.01.2015, 7 persons were promoted to the post of the Research Officer, whereas case of one Pawan

Kumar, Assistant Research Officer had been kept in a sealed cover, in view of the writ petition filed by him.

It is the case of the petitioner that at that point of time, 4 persons were already working and, therefore, there were total 12 vacancies available. It has

been pleaded that out of the 12 posts which had been filled, 4 persons had retired in the year 2019 and even Pawan Kumar had superannuated as

Assistant Research Officer and thus there were 5 vacant posts available. However, on 27.05.2019 only 3 persons were promoted despite availability

of 5 vacancies to the post of the Research Officer.

It is further submitted that on 27.05.2019 (Annexure P-3), the Departmental Promotion Committee had met and the petitioner's name was also in the

panel of 7 persons at Serial No.5, but only 3 posts were considered to be filled up as such and there was no justifiable reason with the respondent

authority not to fill up all the posts available.

It is submitted that a legal notice dated 30.08.2019 (Annexure P-4) was also served upon the respondents before his retirement. Counsel submits that

he would be satisfied if a decision is taken on the same, so that reasons as such for not promoting the petitioner come forth.

Notice of motion.

Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of the respondents/ State. Copy of the paper-book has been supplied to her.

Keeping in view the above and the fact that the petitioner is already retired as such, it would be appropriate if the competent authority takes a decision

on the legal notice dated 30.08.2019 (Annexure P-4) and give the reasons as to whether the above vacancies were available as held out and why all

the posts as such were not filled up. Let, respondent authority pass a speaking order in this context within a period of 3 months from the receipt of the

certified copy of this order. In case, it is made out that the petitioner has been wrongly deprived off the promotion, the same be also redressed.

The writ petition stands disposed off, accordingly.