

CWP-20856 of 2026

2026:PHHC:094582



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

CWP-20856 of 2026

Date of decision: 13.07.2026

Balwinder Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.K. Arora, Sr. Advocate,
with Mr. Prabhat K. Jalbera, Advocate,
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. Abhilaksh Gaind, Advocate,
for respondents No.2 and 3.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed under Articles 226/227 of the Constitution of India for quashing the action of the respondents in granting re-employment to respondent No.4 on the post of Assistant Project Engineer/Sub Divisional Engineer (Horticulture) after his retirement against a vacant post and also quashing the office order dated 02.07.2026 (Annexure P-11) assigning him posting against vacant post in Horticulture Sub Division without considering and granting promotion to the petitioner on the post of Sub Divisional Engineer (Horticulture), who is superannuating on 31.03.2027. Further prayer has been made for directing the respondents to grant promotion to the

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petitioner to the post of Assistant Project Engineer (Horticulture) against vacant post prior to his retirement along with all consequential benefits.

2. Learned Senior Counsel for the petitioner submits that the petitioner, who is working as Junior Engineer and is fully eligible for promotion to the post of Sub Divisional Engineer (Horticulture) and is due to retire on 31.03.2027, has been ignored for promotion and respondent No.4, who retired on attaining the age of superannuation on 26.06.2025, has been re-employed and has been assigned the duties of the post of Sub Divisional Engineer (Horticulture) vide order dated 02.07.2026. He further submits that the petitioner has served a legal notice dated 19.11.2025 (Annexure P-6) followed by reminder dated 20.12.2025 (Annexure P-7) and thereafter issued another legal notice dated 25.05.2026 (Annexure P-8). He further submits that at this stage, the petitioner would be satisfied, if appropriate directions are issued to the respondents to consider and decide legal notice dated 25.05.2026 (Annexure P-8), by passing a speaking order, in a time bound manner.

3. Notice of motion to respondents No.1 to 3 only at this stage.

4. Mr. Rohit Ahuja, DAG, Punjab, accepts notice on behalf of respondent No.1-State and on the asking of the Court, Mr. Abhilaksh Gaiind, Advocate, accepts notice on behalf of respondents No.2 and 3 and have no objection to the innocuous prayer made by learned counsel for the petitioner.

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5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without going into the merits of the case at this stage, the present petition is disposed of with a direction to respondent No.2 to consider and decide legal notice dated 25.05.2026 (Annexure P-8) submitted by the petitioner expeditiously, by passing a speaking order after affording an opportunity of hearing to the petitioner, preferably within a period of two months from the date of receipt of certified copy of this order. Further, the decision taken thereon shall be conveyed to the petitioner.

13.07.2026

R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No