

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.8830 of 1996 (O&M)
DATE OF DECISION : 28.1.2015

Krishan Lal Arora

PETITIONER

VERSUS

State of Punjab and others

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri B.S.Patwalia, Advocate for the petitioner.

Shri Nilesh Bhardwaj, D.A.G. Punjab.

MAHESH GROVER, J.

On 6.2.1997 this Court passed the following order :-

“Admitted.

This is one of those rare cases where even though respondent No.4 – Chakravarti Raj Johar who has since been promoted to the post of Assistant Director on 20.5.1996 should not be permitted to work on the promoted post and the operation of the order promoting him should be stayed. Besides prima

facie merits in the case, it is clearly made out from the records of the case that in L.P.A. No.633 of 1992 filed by Sham Lal against a decision rendered by learned Single Judge in C.W.P. No.12429 of 1991, Letters Patent Bench stayed operation of judgment by virtue of which alone respondent No.3 was considered for promotion and was promoted. It may further be mentioned that respondent No.3 made an application for vacation of stay granted by the Letters Patent Bench which was dismissed on 27.7.1992 wherein prima facie opinion was expressed that respondent No.4 was not entitled to promotion.

In peculiar facts and circumstances of the case, the writ petition is ordered to be listed for hearing in the week commencing 21st of April, 1997. High up in the list.”

Thereafter on 11.3.1997, the following order was passed by this

Court :-

“It appears that there is a lacuna in our order dated 6.2.1997 even though it was understood by all concerned that respondent No.4, Chakravarti Raj Johar, who has since been promoted to the post of Assistant Director on 20.5.1996, should not be permitted to work on the promoted post. We, therefore, clarify the said order today that respondent No.4, Chakravarti Raj Johar, shall not work on the promoted post. In other words, operation of order dated 20.5.1996 (Annexure P-3) shall remain stayed.

Since the Department was misled on account of some mistake in the order dated 6.2.1997, we are given to

understand that respondent No.4 is working on the promoted post till date. A correction in our order dated 6.2.1997, however, would not mean that our orders were flouted and there shall be no contempt proceedings against respondent No.4.”

The facts would indicate that respondent No.4 has retired from service. If that be so, the very challenge to the order of promotion has outlived its cause due to the long pendency of the petition more particularly when there was specific restraint order regarding giving effect to the impugned order.

The petition is therefore, disposed of as having become infructuous.

January 28, 2015
GD

(MAHESH GROVER)
JUDGE