

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3309 of 2013(O&M)

Date of decision: 13.10.2015

Krishan Gopal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Kapil Kakkar, Advocate for the petitioners

Mr. L.S.Virk, Addl. Advocate General, Punjab
for the respondents.

G.S.SANDHAWALIA, J, (Oral)

The petitioners challenge the order dated 4.2.2013 (Annexure P/7) whereby their promotions from the post of Road Inspector as Junior Engineer on adhoc basis dated 30.1.2013 (Annexure P/5) were put on hold till further orders.

The petitioners' case is that on the strength of the departmental examination which they had passed in the year 2009, they had been granted promotions on 30.1.2013 and they had also joined on 31.1.2013 (Annexure P/6). The order was passed four days later and no hearing was given to them and therefore, the principle of natural justice had been violated.

The respondents in their written statement on the other hand submitted that as per the provisions of the Punjab Department of Public Works (Building and Roads) Junior Engineer (Class III) Service Rules, 1993 minimum requirement of service of 8 years as Road Inspector was essential before the petitioners could have sat in the departmental examination and become eligible for consideration of promotion.

While issuing notice of motion on 15.2.2013, this Court stayed the operation of the impugned order dated 4.2.2013 and the petitioners have thus continued on their promoted posts for a period of more than 2-1/2 years on the strength of the interim order.

Counsel for the petitioners submits that he would be satisfied if the respondents reconsider the issue since in the reply filed, it has been admitted that now the petitioners have completed the requisite 10 years of experience in the month of January and February, 2015. He submits that

the respondents may take a fresh decision within a period of three months and till then interim protection granted may continue.

Counsel for the State was not in a position to oppose the said genuine request as admittedly the impugned order has been passed at the back of the petitioners and their right which had fructified had been adversely affected.

Accordingly, the present writ petition is disposed of with a direction to respondent no.2 to reconsider the issue of putting on hold the petitioners' promotion and take a fresh decision within a period of three months from the receipt of a certified copy of this order. The petitioners will be permitted to continue on their promoted post till the fresh decision is taken. Since the petitioners have been working on the promoted post, respondent no.2 shall also ensure that they are paid their requisite salaries of the promoted posts.

October 13, 2015
Pka

(G.S.SANDHAWALIA)
Judge