

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.6207 of 2015

Date of Decision: June 29, 2015

Union of India and another

.....Petitioners

versus

Madan Lal and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Vivek Singla, Advocate, for the petitioners.

:-

1. Whether Reporters of Local papers 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?

Surya Kant, J. (Oral)

Union of India and the Engineer-in-Chief, Army Headquarters are aggrieved by the order dated 01.11.2013 whereby the Central Administrative Tribunal, Chandigarh Bench has directed them to consider the claim of respondent No.1 for promotion to the post of Surveyor of Works from the date his immediate juniors were promoted with a further direction to grant him retrospective promotion as Superintending Surveyor of Works with all consequential benefits. The aforesaid directions have been issued in an Original Application filed in the year 2005.

[2] It is not in dispute that the first respondent had earlier filed O.A. No.214/CH/2004 which was allowed on 18.08.2004 holding that the employees who were possessing

the qualification of degree in the subject were entitled to be promoted to the post of Surveyor of Works “without qualifying the examination of Institution of Surveyors”.

[3] The petitioners unsuccessfully challenged the above-stated order upto the Hon'ble Supreme Court. The Tribunal's directions as reproduced above thus attained finality.

[4] In the second Original Application, the only relief sought by the first respondent was that since he was in possession of the requisite qualification prescribed for promotion as Surveyor of Works in the year 1995 when the post was available and his juniors were promoted, he too is entitled to be promoted from that date as earlier he was denied promotion on the ground that he had not qualified the examination of Institution of Surveyors and that disciplinary proceedings were pending against him. As regard to second reason for denial of promotion, it is not in dispute that a minor punishment of Censure was imposed which was not an impediment against the grant of promotion.

[5] The Tribunal has allowed the second Original Application in the light of the fact that the order passed by it in the first round of litigation has attained finality and the relief sought in the second Original Application is only consequential.

[6] In our considered view, once the question of eligibility and entitlement for promotion has attained finality inter se parties upto the Apex Court, the impugned order passed by the Tribunal warrants no interference.

[7] Dismissed.

[8] However, in the interest of justice the petitioners are granted three months' time to give effect to the order passed by the Tribunal.

[9] Dasti.

[SURYA KANT]
JUDGE

June 29, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE