

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

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L.P.A No. 1126 of 2015 (O&M)

Date of Decision:-01.09.2015

Vijay Kumar Mehta & Ors.

..... Appellants

Versus

State of Haryana & Ors.

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN.

Present:- Mr. Girish Agnihotri, Sr. Advocate, with
Mr. Arvind Seth, Advocate, for the appellants.
Ms. Tanisha Peshawaria, DAG, Haryana.
Mr. Namit Kumar, Advocate, for respondent No.4.

SATISH KUMAR MITTAL, J.(Oral)

Appellants have filed the instant Letters Patent Appeal under clause X of the Letters Patent, against the interim order dated 14.11.2014, whereby while admitting the writ petition filed by the private respondent, further promotion on the basis of disputed seniority list was stayed. The appellants have also challenged the order dated 10.07.2015, whereby the application filed by the appellants for recalling the above said order was dismissed.

We have heard learned counsel for the parties.

During the course of arguments, it has not been disputed that respondent No.4 (writ petitioner) has already been promoted from Junior Engineer to the post of Sub Divisional Engineer under the AMIE quota, vide order dated 21.05.2012. The only grouse of respondent No.4 in the writ petition was that in the seniority list, which had been challenged, the appellants herein, have been wrongly shown senior to respondent No.4.

Learned counsel for the appellants states that as far as respondent No.4 is concerned, he has already been promoted on the post of

Sub Divisional Engineer, but till date none of the appellants have been promoted in spite of availability of promotional post because of the stay granted by this Court; and they are still working as Junior Engineers. Learned counsel further states that the only grouse of respondent No.4 is that the appellants may not be made senior to him. In this regard, learned counsel, on instructions, makes a statement that the appellants would not claim any seniority over and above respondent No.4, but at least they may be allowed to be considered and promoted to the post of Sub Divisional Engineer; and their promotion, if made, shall be subject to the decision of the writ petition.

Keeping in view the aforesaid statement made by the learned counsel for the appellants and after hearing the learned counsel for the parties, we are of the opinion that the interim order dated 14.11.2014 deserves to be vacated, hence the same is hereby vacated, and it is ordered that if any promotion from the impugned seniority list is made, the same shall be subject to the decision of the writ petition as well as the statement made by the learned counsel for the appellants in the Court.

We also direct the Registry to list the main writ petition within a period of six months for regular hearing.

Disposed of in the aforesaid terms.

(SATISH KUMAR MITTAL)
JUDGE

(MAHAVIR S.CHAUHAN)
JUDGE

September 01, 2015
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