

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

CWP No.2093 of 1998(O&M)

Date of decision: 20.5.2016

Pawan Kumar Garg & anr.

... Petitioners

Versus

The Punjab Pollution Control Board & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashwani Kumar Chopra, Sr. Advocate, with
Mr. Akshit Chaudhary, Advocate,
for the petitioners.

Ms. Reeta Kohli, Sr. Advocate, with
Mr. Rahul Sharma, Advocate, and
Mr. Harkesh Manuja, Addl.A.G., Punjab,
for respondent No.1.

Mr. Abhishek Arora, Advocate,
for respondents No.2 & 3.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. Parties are agreed that this matter is covered by the decision of this Court in CWP No.160 of 1997 (Sandeep Bahl v. Punjab Pollution Control Board & ors.), decided on January 28, 2015. Learned Single Judge has directed the Principal Secretary, Government of Punjab, Department of Science and Technology to dispose of the representation of the petitioner therein as expeditiously as possible within three months from the date of its submission by the petitioner. However, while issuing these directions, learned Single Judge has commented on the resolution passed in the 55th meeting of the Board held on February 16, 1987 that it would not apply to the petitioner while only the 1980 regulations would

govern his case, as had been directed in CWP No.19638 of 1996 decided on July 30, 1997.

2. Mr. Ashwani Chopra, learned Senior counsel submits that the representation referred to in CWP No.160 of 1997 has been decided by the Principal Secretary, Government of Punjab in the department concerned and he is of the view that the 1980 Regulations will hold the field and thus the representation of the present petitioner praying that the decisions at Annex P-3, P-4 and P-10 which apply the 1987 Regulations are erroneous. Therefore, the competent authority will take into consideration the view earlier expressed by him in the context of persons similarly situated by paying due regard to the law laid down by the Division Bench and then to take a fresh decision on all issues which are canvassed in the representation and the instant petition.

3. Since the petitioners are due to retire sometime in the beginning of the year 2017, Mr. Chopra's request is accepted as fair that a time bound direction should be issued to the competent authority to consider and decide the representation/s of the petitioners within two months from the date of receipt of a certified copy of this order. In case the petitioners wish to submit a supplementary representation, they may do so. If they ask for personal hearing, the same shall be granted. The final decision taken be communicated within 3 working days after the administrative order is made on the quasi judicial side declaring or affecting the rights of parties. Depending on the outcome of the decision taken by the competent authority, in the event it is favourable then the case of the petitioners for promotion from the due date be considered

from the date when their juniors were promoted and they were ignored by misapplication of the 1987 Regulations. This exercise be also concluded within reasonable time preferably within the next following month.

4. With the above observations and directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

20.5.2016
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