

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

Date of decision:29/11/2016

Sarup Singh and others

.....Petitioners

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Arun Singla,Advocate for the petitioners

Ms.Puneet Kaur Sekhon,Addl. AG Punjab

Mr.Anupam Singla,Advocate for the respondent PRTC

Jaswant Singh,J(Oral)

This common order shall dispose of †three writ petitions mentioned in the head note and detailed in the foot note of this order.

Seven petitioners in all (in these three writ petitions) were promoted as Sub Inspectors from the rank of Conductors against promotion quota vide order dated 21.6.2016(P-1) on the recommendations of the DPC held on 16.6.2016. They have impugned orders dated 22.6.2016 (P-2) passed by Managing Director, PRTC, Patiala whereby promotion order dated 21.6.2016 was withdrawn.

Upon notice the contesting respondent-PRTC has filed a reply wherein it is stated that soon after issuance of promotion order dated 21.6.2016 promoting 25 Conductors a complaint had been received that certain amounts were paid as bribe for getting promotion orders in favour of some of the Conductors resulting into passing of the order dated 22.6.2016

(P-2).

At the time of hearing, counsel for the PRTC points out that in the complaint forwarded to the police the named suspects have been exonerated of the aforesaid allegations in the inquiry conducted by the police so far, however, based on the discreet inquiry by the Department, Paramjit Singh (petitioner no.3 in CWP 12927/2016) and Harpal Singh (petitioner in CWP 14765/2016) have been placed under suspension vide order dated 23.6.2016 and charge sheet has been issued for imposition of major penalty. It is further submitted that a DPC was reconvened on 21.10.2016 to consider the cases for promotion of the previous 25 Conductors as also 100 odd more Conductors except the retirees by that date against the additional vacancies as well available in the promotional quota. Case of Sarup Singh (petitioner no.1 in CWP 12927/2016) and Harbhajan Singh (petitioner in CWP 19298/2016) was not considered as they stood retired by that time on account of reaching the age of superannuation. He submits that the remaining petitioners i.e. Radhey Shyam, Pawan Kumar and Gopal Krishan (petitioner nos.2,4 and 5 in CWP 12927/2016) have since been promoted vide order dated 25.10.2016.

Learned counsel for the petitioners submits that on account of allegations of corruption only the orders of promotion were withdrawn, however, the proceedings of the earlier DPC held on 16.6.2016 promoting the petitioners were never annulled and therefore, petitioners Sarup Singh, and Harbhajan Singh cannot be denied the benefit of promotion pursuant to the promotion order dated 21.6.2016 as also petitioners Radhey Shyam, Pawan Kumar and Gopal Krishan as subsequent DPC proceedings were not required in their cases as well. As regards Paramjit Singh and Harpal Singh,

counsel for the petitioners pray for withdrawal of the petitions awaiting the fate of the departmental proceedings.

Learned counsel for the contesting respondent-PRTC is unable to contest the fact that DPC proceedings dated 16.6.2016 were never annulled and therefore, the petitioners except Paramjit Singh and Harpal Singh, who were ordered to be promoted vide order dated 21.6.2016, cannot be denied promotion with effect from the said date. He, further, has no objection to the withdrawal of petitions qua Paramjit Singh and Harpal Singh so as to await the outcome of departmental proceedings.

In view of the aforesaid agreed stand the three writ petitions are allowed except qua Paramjit Singh (petitioner no.3 in CWP 12927/2016) and Harpal Singh (petitioner in CWP 14765/2016) qua whom petitions stand dismissed as withdrawn. It is also agreed that except Paramjit Singh (petitioner no.3 in CWP 12927/2016) and Harpal Singh (petitioner in CWP 14765/2016) the remaining petitioners are deemed to be promoted w.e.f. 21.6.2016 with all consequential benefits.

29.11.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No

- †1. CWP 12927/2016 (Sarup Singh and others v State of Punjab and others)
2. CWP14765/2016(Harpal Singh v State of Punjab and others)
3. CWP 19298/2016 (Harbhajan Singh v PRTC)