

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

**Civil Writ Petition No. 25378 of 2012 (O&M)
Date of Decision: 26.07.2016**

Diploma Engineer's Association,
Punjab State and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Girish Agnihotri, Sr. Advocate assisted by
Mr. Arvind Seth, Advocate
for the petitioners.

Mr. Harkesh Manuja, Additional Advocate General, Punjab

Mr. R.S. Bains, Advocate
for respondent Nos. 3, 5, 6, 20, 25, 26 & 32.

JASWANT SINGH, J. (ORAL)

The Assistant Engineers of the Irrigation Department, Punjab, possessing the technical qualifications of Diploma in Engineering (in respective streams) through their association, have invoked the jurisdiction of this Court under Article 226 of the Constitution, seeking the quashing of the promotion orders dated 06.09.2012 (**Annexure P-8**), whereby respondent Nos. 3 to 33, AMIE/Degree Holders, have been promoted as Sub-Divisional Officers beyond their quota in the purported compliance of the order dated 07.07.2011 passed in Letters Patent Appeal (LPA) No. 1598 of 2010.

At the time of issuance of notice of motion, it was noticed that on a review petition filed by the Diploma Holders, learned Division Bench have recalled the order dated 07.07.2011 and after consideration of the issue afresh, proceed to dismiss the aforesaid LPA vide order dated 22.02.2013.

Upon notice, reply has been filed on behalf of the State, it has been pointed out that against the order dated 22.02.2013 passed in LPA No. 1598 of 2010, an SLP No. 13545 of 2013 has been filed by the AMIE/Degree Holders. The said SLP is stated to be pending, however, there is no stay qua the operation of the order dated 22.02.2013 passed by the LPA Bench of this Court.

At the time of hearing, learned counsel for the petitioners submits that as on today, the issue stands decided in favour of the Diploma Holders by the decision dated 22.02.2013 of aforesaid LPA Bench, as also by the Hon'ble Supreme Court in case of ***State of Punjab and others Versus Arun Kumar Aggarwal and others 2007 (10) SCC 402***. He, thus, very fairly concedes that the entire basis of filing the present petition based on the order dated 07.07.2011 passed in the aforesaid LPA No. 1598 of 2010 stands removed and there being no stay against the operation of the said subsequent judgment dated 22.02.2013 passed in the same LPA, no adjudication by this Court is required at this stage. He, therefore, does not press the present writ petition at this stage and prays for disposal of the same with liberty to seek remedy in accordance with law, if the need arises.

Learned State Counsel has no objection if the present writ petition may be disposed of accordingly.

In view of above, present petition stands dismissed as not pressed with the liberty as prayed for.

July 26, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	<i>Yes/No</i>
Whether Reportable	Yes/No