

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20091 of 2015 (O&M)

Date of Decision: 03.06.2016

Dr. Kuldip Singh

... Petitioner

Versus

The State of Punjab and another

... Respondents

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

Present: Mr. Girish Agnihotri, Sr. Advocate,  
with Mr. C.L. Pawar, Advocate,  
for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

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. On March 03, 2016 this Court passed the following interim order:-

*"Notice of the application to the non-applicant/ respondents.*

*Mr. Inqulab Nagpal, AAG, Punjab, accepts notice on behalf of the State.*

*State to file an affidavit disclosing the reasons why the order dated 26.5.2011 promoting the petitioner as Assistant Professor (redesignated as Associate Professor) has not been implemented after the stay order was lifted in the petition filed by Dr. Chitranjan Vij and the matter was disposed of as infructuous vide order dated 15.7.2014 (annex P-25) mostly as he had retired from service and lost interest in the litigation. Let the affidavit be filed within 10 days.*

*Adjourned to 22.3.2016.*

*In the meanwhile, as an interim measure and in the event of the respondents convening DPC for promotion to*

*the post of Professor in Bio-Chemistry, the case of the petitioner will be considered on merit as per rules by assuming that the speaking order dated 26.5.2011 stands implemented. However, the result be kept in sealed cover to await further orders."*

2. On May 03, 2016 the following order was passed:-

*"Learned counsel for the petitioner submits that DPC has been convened for tomorrow i.e. 4.5.2016. He submits that the order dated 3.3.2016 has been brought to the notice of the Government well in time. The affidavit has not been filed within 10 days as required.*

*In the circumstances, to await outcome of DPC proceedings, list on 10.5.2016. The result of the DPC proceedings be produced in the Court through the office of Advocate General, Punjab.*

*Copy of this order be given to the learned State counsel attested by the Bench Secretary of this Court for compliances."*

3. The result of the DPC proceedings was produced in sealed cover in Court on May 10, 2016. Opening of the sealed cover reveals that the name of the petitioner has been recommended for promotion as Associate Professor (Bio Chemistry) w.e.f. May 25, 2011. In addition, the proceedings of the DPC which have been appended to the application reveal that the petitioner's name for Professor in Bio Chemistry has been found suitable.

4. In view of this turn of events, substantial relief has come to the petitioner according to him promotions as Associate Professor and then Professor.

5. Having heard the learned counsel for the parties, this Court is of the view that this matter can be disposed of in terms of the recommendations made by the DPC which needless to say would be accepted by the promoting authority and consequential orders passed.

6. As a result, this petition is disposed of with liberty sought by Mr. Girish Agnihotri, learned Senior counsel on instructions from Mr. C.L. Pawar, learned counsel obtained from the petitioner that issue of seniority or any other related issue arising out of his promotions may be kept open, in case the need arises to approach the Court again. The prayer is accepted. The issue is left open.

7. This Court trusts that the consequential orders would be passed without delay since nothing further remains to be done except issuing of office orders. Let the needful be done within one month from the date of receipt of certified copy of this order.

8. The petition stands disposed of.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**03.06.2016**  
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