

**C.M.No.11807 of 2016 in/and
CWP No.20575 of 2015**

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

**C.M.No.11807 of 2016 in/and
CWP No.20575 of 2015**

Date of Order: 29.09.2016

Rakesh Kumar

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajinder Sharma, Advocate for the petitioner.

JASWANT SINGH, J (ORAL)

The petitioner was initially recruited as Junior Engineer with the Punjab State Tubewell Corporation on 06.6.1983 and thereafter was absorbed in the same rank w.e.f 30.3.2001 in the Local Government, Punjab. He was, vide order dated 24.12.2011, promoted as Assistant Trust Engineer. Since some persons junior to the petitioner, however, belonging to the reserved categories had been promoted earlier as Assistant Trust Engineers, the petitioner has claimed seniority above them on the basis of the catch up Rule in the light of judgment of Hon'ble Supreme Court reported as **Ajit Singh & Ors Vs. State of Punjab and Ors, 1999 (7) SCC 209.**

To the tentative seniority list issued for fixing the seniority as Assistant Engineers, Local Government, the petitioner has filed objections on 24.4.2015 and since the respondent-Government without deciding the objections and finalizing the seniority list was contemplating promotions to the next higher post of Trust Engineers, the petitioner was constrained to file the present writ petition seeking a writ of Mandamus directing the

respondents to decide his objections and finalize the seniority list.

The main case is already fixed for 24.2.2017, although a short reply on behalf of respondent Nos.1 & 2 has been filed wherein it is submitted that the impugned tentative seniority list dated 30.3.2015 (P.2) stands withdrawn and a fresh tentative seniority list stands issued on 11.3.2016 inviting the fresh objections to the same.

At the time of hearing today, learned counsel for the petitioner instead of pressing the instant application filed under Order 6 Rule 17 CPC seeking to amend the writ petition, has made an oral request for preponement of the date of hearing as he wishes to withdraw the main petition itself so as to file a fresh one, if need be on the similar cause of action in the light of the subsequent tentative seniority list issued.

Learned state counsel has no objection to the said prayer.

In view of the aforesaid agreed stand, the date of hearing is preponed and the main writ petition is taken up for hearing today itself. In the light of the statement made by learned counsel for the petitioner at bar, the main writ petition bearing CWP No.20575 of 2015 is dismissed as withdrawn with liberty to the petitioner to file fresh one as and when the cause of action arises.

**(JASWANT SINGH)
JUDGE**

September 29, 2016
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Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No