

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.15848 of 2016(O&M)
Date of Decision: 15.12.2017

Dr. Harjit K. Singh Chawla

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vikas Singh, Advocate for the petitioner.

Ms. Monica Chhibber Sharma, Sr. D.A.G., Punjab.

Mr. Sandeep Khunger, Advocate for respondent no.3.

TEJINDER SINGH DHINDSA.J (Oral)

The instant writ petition was filed raising a challenge to an order dated 6.6.2016 (Annexure P-3) to the extent private respondent Dr. Kamal Kumar Arora had been promoted as Assistant Professor (Orthopedics). Directions were sought to promote the petitioner by treating him senior to Dr. Kamal Kumar Arora.

Upon notice of motion having been issued, a reply by way of affidavit of the Director, Medical Education & Research, Punjab has been filed and placed on record.

Appended along with the reply at Annexure R-1 is an order dated 14.6.2017, passed by the Secretary to Govt. of Punjab, Medical Education & Research, whereby the present petitioner has been treated to be as senior to Dr. Kamal Kumar Arora and based thereupon the petitioner stands promoted as Assistant Professor (Orthopedics) w.e.f. 6.6.2016 on a notional basis. This order further recites that salary and other admissible allowances would be payable to the petitioner only from the date of joining

on the post of Assistant Professor (Orthopedics).

Apparently, private respondent herein Dr. Kamal Kumar Arora has filed CWP No.18774 of 2017 impugning the action of the respondent department in treating the present petitioner as senior to him. Learned counsel appearing for respondent no.3 concedes that even though, notice of motion has been issued but there is no interim directions issued in such writ petition.

In the light of such development, counsel for the petitioner raises a limited grievance that even though, the order at Annexure R-1 was passed on 14.6.2017, yet, the same has not been implemented as much as posting order has not been issued.

Learned State counsel upon instructions from Mrs. Paramjit Kaur, Nodal Officer, D.R.M.E, furnishes an undertaking that the requisite posting orders in favour of the petitioner on the post of Assistant Professor (Orthopedics) would be issued within a period of four weeks from today.

In the light of such development, present writ petition is disposed of as infructuous.

The issue with regard to salary for the period in question is kept open.

Suffice it to observe that the order of promotion dated 14.6.2017 at Annexure R-1 would be subject to pending litigation and which finds a mention in the order itself.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.12.2017

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