

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

Date of decision:23.01.2017

Gurdev Singh and another

.....Petitioners

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.PS Khurana,Advocate for the petitioner.

Mr.BS Sewak,Advocate for petitioner(s) in CWP 18869/2016

Mr.RK Chopra,Senior Advocate assisted by
Mr.Gaurav Sharma,Advocate for petitioner(s) in CWP
16886/2016

Mr.Vikas Bishnoi,Advocate and
Mr.CM Munjal,Advocate for petitioner(s) in CWP 18989/2016

Mr.PS Dhaliwal,Advocate for petitioner(s) in CWP 18819/2016

Mr.Kamaldip Singh Sidhu,Advocate for petitioner(s) in
CWP 26936/2016,16739/2016, and 18875/2016

Mz.Sudeepti Sharma,DAG Punjab assisted by
Mr.Gurvinder Singh, Deputy Director,Agriculture(HO)Punjab
for respondents.

Jaswant Singh,J(Oral)

This common order shall dispose of 11 writ petitions, as detailed in the foot note of this order, as all these petitions arise out of similar facts and involve identical issue.

CWP 19086/2016 has been taken as lead case, while the other ten writ petitions, which were listed for hearing on 2.2.2017, with the

hearing alongwith the lead case today itself.

Petitioners, in all these petitions were working as Beldars, a Group-D post, in the Department of Agriculture in different districts. Their services are governed by the Punjab Agriculture(Department) Group(D) Rules,1963 (for short 1963 Rules).

They were promoted as Agriculture Sub Inspectors, a Group C Post, governed by the Punjab Agriculture Department (Field Office)Group C Service Rules,2010 (for short 2010 Rules), vide different orders dated 9.3.2015, 16.7.2015, 8.1.2016, 31.3.2016 and 8.7.2016.

The said promotion orders were subsequently withdrawn by the respondents vide orders dated 11.8.2016 and 1.9.2016, impugned in these 11 writ petitions,on the ground that the promotions exceeded the quota of 30% reserved for Beldars for promotion to the post of Agriculture Sub Inspectors.

Against the said impugned orders dated 11.8.2016 and 1.9.2016 not all but some of the affected persons approached this Court by way of these 11 writ petitions on the ground that before withdrawing their promotion orders neither they were issued any show cause notice nor were granted personal hearing and thus impugned action is against the principles of natural justice.

Upon notice, reply by way of affidavit dated 26.9.2016 and additional affidavit dated 17.1.2017 of Gurvinder Singh, Deputy Director, Agriculture (H.Q.) have been filed in lead case bearing CWP 19086/2016. In the additional affidavit dated 17.1.2017 it is asserted that as per 2010 Rules, the essential qualifications laid down under 30% quota meant for promotion from the post of Beldar to Agriculture Sub Inspector, are

Matriculation and 10 years' experience. It is further asserted that against 218 promotional posts, a total of 311 Beldars stood promoted as Agriculture Sub Inspectors vide various orders noticed above. Thus, 93 excess promotions came to be made. This irregularity came to the notice of the department on an objection raised by one Bhola Singh Beldar that his junior had been promoted ignoring him. On receipt of said objection, records were scrutinised and it came to the notice of respondents that promotions under promotional quota had been made in excess of 218 posts. It is thereafter that promotion orders of petitioners were withdrawn vide two separate orders dated 11.8.2016 and 1.9.2016, impugned in these 11 writ petitions. It is further submitted that keeping in view the facts and the objections raised in the different writ petitions, the records of all the district were examined and certain discrepancies were found to have been committed while promoting and reverting the petitioners/others. In view of these discrepancies having come to the notice of the respondents, vide order dated 13.1.2017, annexed with the additional affidavit dated 17.1.2017 as Annexure R-1, the impugned orders dated 11.8.2016 and 1.9.2016 stand withdrawn. It is further submitted that fresh action in accordance with rules and after following principles of natural justice would be taken.

At the time of hearing, counsel for the parties are agreed that in the light of contents of the additional affidavit dated 17.1.2017 the present writ petitions have become infructuous and they have no objection if the present writ petitions are disposed of as having become infructuous.

In view of the above, all the 11 writ petitions stand disposed of as having become infructuous. However, it is clarified that all the petitioners in the aforesaid 11 writ petitions would be entitled to all the benefits in the

rank of Agriculture Sub Inspectors from the date of their reversion vide orders dated 11.8.2016 and 1.9.2016 till 13.1.2017

Disposed of accordingly.

A copy of this order be placed on the files of connected cases.

23.01.2017
joshi

(Jaswant Singh)
Judge

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

- †1. CWP 19086/2016- Gurdev Singh and another v State of Punjab and others
2. CWP 18989/2016-Naresh Kumar and others v State of Punjab and others
3. CWP 18875/2016 Satinder Kumar and others v State of Punjab and others
4. CWP 18731/2016-Mukhvinder Singh and others v State of Punjab and others
5. CWP 18827/2016-Jagan Nath and others v State of Punjab and others
6. CWP 18869/2016-Davinder Singh and others v State of Punjab and others
7. CWP 18819/2016-Gian Singh and others v State of Punjab and another
8. CWP 16898/2016-Dharmvir and others v State of Punjab and others
9. CWP 16739/2016-Sukhjinder Singh and others v State of Punjab and others
- 10.CWP 16886/2016-Gurmeet Singh and others v State of Punjab and another
- 11.CWP 26936/2016-Harvinder Singh v State of Punjab and others