

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-48-2016(O&M)

Date of Decision: February 09, 2017

The State of Punjab and others

.....Appellants

Versus

Baldev Ram Sahota and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

Present: Mr.Rajesh Bhardwaj, Addl.A.G.,Punjab.

Mr.R.S.Khosla, Sr.Advocate with
Mr.Aman Sharma, Advocate
for the respondents

.....

SURYA KANT, J.

This Letters Patent Appeal is directed against an *inter- locutory* order dated 19.11.2015 passed by learned Single Judge in a pending writ petition.

It is observed in the order under appeal that the Departmental Promotion Committee in its meeting held on August 27, 2015 recommended the names of five Under Secretaries for promotion as Deputy Secretaries. While one of them was promoted on October 15, 2015, the remaining four candidates, namely, the writ petitioners were still awaiting promotion against the vacancies occurred on November 01, 2015. However, two days

prior to that, i.e. on October 30, 2015 the Rules were amended and the

opportunity for promotion was taken away. Thereafter, the appellant-State issued a letter dated November 06, 2015 asking the writ petitioners to give options within 30 days as to whether they wish to 'forego promotion' or 'continue' with the extension period.

It may be mentioned here that the writ petitioners (now plaintiff-respondents) attained the age of superannuation of 58 years on 31.12.2013, 28.02.2015, 30.09.2014 and 31.05.2014, respectively and after availing such extended period, all of them have retired from service. The controversy under consideration before the learned Single Judge thus was whether the writ petitioners could be deprived of the promotion during the extended period of their service?

It was in this backdrop that the question of validity of direction issued to the present respondent-writ petitioners to exercise their option within 30 days whether they wished to forego promotion or continue with the extension period arose for consideration.

Learned Single Judge has vide interim order directed that the writ petitioners be not compelled to give their options and the exercise of option be kept in abeyance till the next date of hearing. The resultant effect is that the private respondents will continue in service and if suitable, they can be considered for further promotion.

We have heard learned counsel for the parties.

The effect of the order of learned Single Judge is that, if the respondents are found eligible and suitable, they can be promoted for a short duration which would be beneficial mainly towards their retiral benefits.

In this view of the matter, we are not inclined to interfere with

the order under appeal, rather deem it appropriate to list the writ petition for final disposal before the learned Single Judge, as the appellants will have full liberty to raise their contentions before the learned Single Judge at the time of final hearing.

Ordered accordingly.

The writ petition is directed to be listed for hearing within three months.

**(SURYA KANT)
JUDGE**

February 09, 2017
meenuss

**(SUDIP AHLUWALIA)
JUDGE**

- | | |
|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |