

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

LPA no.1042 of 2017 (O&M)
Date of Decision: June 13, 2017

Subhash Chander ...Appellant

Versus

State of Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Rajvir Singh Sihag, Advocate, for the appellant.

Amol Rattan Singh, J. (Oral)

By this appeal, learned counsel for the appellant challenges the order of the learned Single Judge dated 31.05.2017, passed in CWP no.12347-2017, to the extent that while issuing notice, the order impugned in that petition, dated 08.05.2017, by which the promotion of the petitioner has been withdrawn, was not stayed.

As per the order impugned in this appeal, the promotion from the post of Superintendent to that of Secretary was withdrawn on the ground that the promotion was made without holding a DPC.

However, it was observed by the learned Single Judge that before passing any interim order, it would be proper to hear the opposite party.

Learned counsel for the appellant submits that in the case of identically placed persons from the same department, whose orders of

promotion were withdrawn in fact vide the same impugned order dated 08.05.2017, the operation of that order had been stayed by this Court vide an order passed in CWP no.11682-2017, on the ground that no notice or opportunity of hearing was given to the petitioners therein before withdrawing their promotion.

In view of the fact that the orders withdrawing promotion are stated to have been passed without giving any notice or opportunity of hearing and similarly placed persons have already a stay in their favour, this appeal is disposed of by staying the operation of the impugned order dated 08.05.2017, by which the petitioner has been reverted, till the next date of hearing in the writ petition, i.e. 26.09.2017, subject to further orders in CWP no.12347-2017 by the learned Single Judge.

The respondents would naturally be at liberty to seek vacation of stay by way of an appropriate application before the learned Single Judge, on valid grounds.

(Amol Rattan Singh)
Judge

June 13, 2017
vcgarg

(Anupinder Singh Grewal)
Judge

Whether speaking/reasoned: Yes
Whether reportable: no