

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COC-1391-2017 (O & M)
Date of decision: 23.05.2018

K.S. Khatri

.... Petitioner

V/s

Prof. Ashutosh Sharma and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Tiwana, Advocate, for Mr. A.S. Narang, Advocate,
for the petitioner.

Mr. J.S. Lalli, Advocate, for respondents No.1 and 3.

Mr. Vivek Singla, Sr. Panel Counsel for respondent No.2.

Rajan Gupta, J. (Oral)

Learned counsel for respondents No.1 and 3 seeks to place on record status report by way of affidavit of Sh. Chandra Pal Director, Punjab, Haryana and Chandigarh, on record. Prayer is accepted. Same is taken on record. Paras 2 and 3 thereof read as under:-

“2.That in compliance of the order dated 20.09.2016 passed by this Hon’ble Court in CWP No.19228 of 2003 and LPA No. 573 of 2017 decided on 18.04.2017, the petitioner has been promoted to the post of Additional Surveyor General of India by the Appointments Committee of the Cabinet (ACC) vide their order No.22/4/2002-EO (SM.II) dated 21.12.2017. The date of notional promotion has been fixed as 31.01.2002. Copy of the letter dated 04.01.2018 written by the office of Surveyor General of India to the director, Punjab, Haryana and Chandigarh GDC, Survey of India, Chandigarh is attached as Annexure A-1.

3. That further in pursuant to above said promotion of the petitioner as Additional Surveyor General of India, the office of the Surveyor General of India vide office memorandum No.798 dated 06.02.2018 has fixed the pay and allowance of the petitioner on notional basis, in further compliance of the order passed by this Hon'ble court. The said pay fixation has been further communicated to the concerned authorities including Ministry of Defence for further required action. Copy of the Office Memorandum dated 06.02.2018 is attached as Annexure A-2.

Learned counsel appearing for UOI-respondent No.2 submits that in view of the above, necessary action shall be taken by respondent No.2 at the earliest, in any case, not later than 02 months.

In view of the above, no cause of action survives in this petition. Disposed of. Rule is discharged.

Petitioner shall, however, be at liberty to seek revival of the petition, in case, any cause of action subsists.

May 23, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No