

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

**1. Date of decision: 08.08.2018
CWP No.14811 of 2017 (O&M)**

Dinesh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

2. CWP No.5271 of 2018 (O&M)

Bhupender Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Rajiv Atma Ram, Senior Advocate,
with Mr. Arjun Pratap Atma Ram, Advocate,
for the petitioner(s).**

Ms. Nidhi Garg, AAG, Haryana.

**Mr. Hitesh Pandit, Advocate,
for respondent No.2 (in CWP-14811-2017).**

**Mr. Akshay Bhan, Senior Advocate,
with Mr. Amandeep Singh, Advocate.**

**Mr. Sanjay Kaushal, Senior Advocate,
with Mr. Bhupinder Singh, Advocate.**

**Mr. R.D. Bawa, Advocate,
for respondent No.2 (in CWP-2071-2018).**

**Mr. S.S. Patter, Advocate,
for respondent Nos. 3 and 4.**

Ritu Bahri, J.

together as common questions of law and facts are involved in both the petitions.

Petitioner(s) are seeking quashing of the orders dated 09.11.2015 (Annexure P-7), seniority list dated 20.10.2016 (Annexure P-12) and order dated 29.03.2017 (Annexure P-15), fixing the seniority of respondent Nos.3 & 4 over and above the petitioner(s) and giving them the current duty charge.

On 24.07.2018, respondents had placed on record enquiry report dated 18.07.2018 (Annexure R-1/1). In the said enquiry report, it was concluded that promotions allowed to Sh. Vinay Gautam and Sh. Vijay Chaudhary to the post of Assistant Environmental Engineers retrospectively w.e.f. 28.08.2003 were against the draft service rules applicable at that time. It was further observed that there were total 16 sanctioned post of Assistant Environmental Engineers as on 13.09.2002.

Today another affidavit has been filed by the Under Secretary to Government of Haryana, Environment Department on behalf of respondent No.1. Along with the affidavit, copy of order dated 01.08.2018 has also been placed on record, whereby an independent enquiry with regard to the initial appointment of Sh. Vijay Chaudhary as JEE in the HSPCB has been ordered to be conducted.

Learned State counsel has informed that the Government is in the process of taking final decision on the aforesaid enquiry report, in accordance with law within a period of three months.

Keeping in view the enquiry report dated 18.07.2018 (Annexure R-1/1), no further directions are required to be given in these petitions. The official respondents are expected to take final decision on the enquiry report

in accordance with law, expeditiously.

Both the petitions stand disposed of accordingly.

(RITU BAHRI)
JUDGE

08.08.2018
ajp

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No