

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

**Civil Writ Petition No. 5767 of 2017 (O&M)
Date of Decision: 24.05.2018**

Tarlochan Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.K. Arora, Advocate
for the petitioners.

Mr. Manoj Bajaj, Additional Advocate General, Punjab
for the respondents/State and **assisted by**
Mr. Iqbal Singh, Senior Assistant, Department of Horticulture,
SAS Nagar.

JASWANT SINGH, J. (ORAL)

Two petitioners, namely, Tarlochan Singh and Yaspal Ram ,
are working as *Beldars* with the offices of Horticulture Department, situated
in District SBS Nagar.

In the instant petition, vide order dated 21.03.2017, notice of
motion was issued on the contention that in the similar nature of writ
petition bearing *CWP No. 2187 of 2017*, this Court had also issued notice on
17.02.2017, wherein the following grievance of the petitioners had noticed:-

“ *CWP No. 2187 of 2017*

*It is contended that the department has proceeded to
promote Beldars to the post of Sub Inspector Horticulture
Department in the 80% quota provided under the Punjab*

Subordinate Agriculture Service Rules, 1933 as applicable to the Horticulture Department. The post of Sub Inspector is a State Cadre post whereas feeder post of Beldar is District Cadre post.

The grievance of the petitioners is that the respondents are proceeding to promote Beldars without compiling a joint merit list for the purpose of consideration of the cases under the promotion quota. To the contrary they are appointing Beldars in a particular district as per the seniority in the district against the available post of the Sub Inspector in the District by illegally ignoring the fact that post of Sub Inspector Horticulture department is a State Cadre post.

Notice of motion for 30.05.2017.

No further promotions to the post of Sub Inspector Horticulture department shall be made till further orders. ”

At the time of hearing, learned State Counsel has filed an affidavit dated 18.05.2018 of Dr. Pushpinder Singh Aulakh, Director of Horticulture, Punjab, SAS Nagar, on behalf of the official respondents in Court today, which is taken on record.

In the aforesaid affidavit dated 18.05.2018, it is submitted that the seniority list of the *Beldars*, working in the district cadre of different districts, has been compiled and finalized at the State level for the purpose of promotion within their quota to the post of Sub Inspector Horticulture. In the compiled seniority list, the placement of the petitioners at the assigned seniority numbers has been depicted. It is further submitted that there are certain posts of Sub Inspector Horticulture lying vacant for promotion from the aforesaid source of the *Beldars*.

In view of the stand of the counsel for respondents-State, counsel for the petitioners concedes that nothing more survives for

adjudication in the present writ petition, as the same has become infructuous.

Disposed of as infructuous.

May 24, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>