

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

LPA No. 957 of 2016 (O&M)  
In CWP No. 18262 of 2009

Date of decision: 17.1.2018

State of Haryana and another

.. Appellants

vs

Dharam Singh Yadav and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal  
Hon'ble Mr. Justice B. S. Walia**

**Present:** Mr. Samarth Sagar, Additional Advocate General, Hayrana.  
Mr. Raj Kapoor Malik, Advocate, for respondent nos. 1 and 2.

**Rajesh Bindal, J.**

The State has filed the present intra-court appeal impugning the judgment of learned Single Judge dated 15.5.2015, whereby the writ petitioners were granted promotion from the dates the vacancies arose in view of the fact that one Dr. B. S. Sehrawat had been granted promotion from a deemed date on which the vacancy of Deputy Director arose, though actually he was promoted five years thereafter. The fact that before the disposal of the writ petition order passed in favour of Dr. B. S. Sehrawat granting him promotion from back date had been withdrawn on 27.12.2011, was not pointed out before disposal or at the time of hearing of the writ petition. It was as a consequence that other Deputy Directors in the

Department, who were writ petitioners, were also granted promotion from the dates the vacancies arose.

The State has challenged the order passed by the learned Single Judge pointing out the fact that the order on the basis of which the writ petitioners were claiming relief having been withdrawn by the State, no relief was admissible to them.

The aforesaid facts are not in dispute.

Mr. D. S. Patwalia, learned senior counsel appearing for Dr. B. S. Sehrawat in CWP No. 734 of 2012 submitted that the order passed by the State withdrawing his promotion from back date has been impugned by him by filing separate writ petition bearing CWP No. 734 of 2012 Dr. B. S. Sehrawat vs State of Haryana and others, which may have to be considered on merits.

After hearing learned counsel for the parties and considering the fact that very basis on which the writ petitioners had claimed relief in the writ petition was not there when the writ petition was disposed of, no relief was admissible to any of the writ petitioners, hence, the present appeal is accepted. The order passed by the learned Single Judge, is set aside.

However, this will not affect in any way merit of the case filed by Dr. B. S. Sehrawat challenging withdrawal of the order passed in his favour.

The appeal stands disposed of accordingly.

In terms of the orders passed on 2.6.2016 and 2.9.2016 in the aforesaid appeal, the Chief Secretary, Haryana, was directed to appoint a senior officer to conduct enquiry into the matter regarding the facts briefly

noticed in the aforesaid two orders and submit report to this Court.

List on 10.7.2018 for the aforesaid purpose.

(Rajesh Bindal)  
Judge

17.1.2018  
vs

(B. S. Walia)  
Judge

Whether speaking/ reasoned  
Whether Reportable

Yes/No  
Yes/No