

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 117

LPA No. 807 of 2018 (O&M)
in CWP No. 6785 of 2018
Date of decision : 30.05.2018

Love Kumar Dhiman and another

..... Appellants

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sanjeev Sharma, Senior Advocate, with
Mr. Shekhar Verma, Advocate, for the appellants
in LPA No. 807 of 2018.

Mr. Vikas Chatrath, Advocate, for the appellants
in LPA No. 808 of 2018.

Mr. Akshay Bhan, Senior Advocate, with
Mr. Alok Mittal, Advocate, and
Mr. Amandeep Singh Talwar, Advocate, for the appellants
in LPA No. 809 of 2018.

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RAJESH BINDAL, J:

This order will dispose of three appeals being LPA No. 807 of 2018, LPA No. 808 of 2018 and LPA No. 809 of 2018. However, for the sake of convenience facts are being taken from LPA No. 807 of 2018.

Order dated 27.04.2018, passed by the learned Single Judge, has been impugned by filing the present intra-court appeal, whereby the interim stay already granted on 19.03.2018 regarding promotions to the post of Executive Engineer, was vacated.

The appellants as well as the private respondents are working as Sub Divisional Officers. They were recruited way back in the year 2004. The issue sought to be raised in the writ petition was that the private respondents were not eligible for appointment, hence, they should not be considered for promotion. Initially, the learned Single Judge had granted

interim stay. However, the same has been vacated by directing that the

promotions, if any, shall be subject to the final result of the writ petition. It was further opined that the work of the department cannot be made to suffer in the absence of promotion of officers to the higher post.

We do not find any error in the order passed by the learned Single Judge. The appeals are, accordingly, dismissed.

Learned counsel for the appellants submitted that there are certain observations made on merits of the controversy in the order impugned vide which interim stay was vacated. Suffice to observe that any observations made in the interim orders are not final. These have been made only for the purpose of deciding application for vacation of stay granted earlier. When final arguments in the main petition are heard after the replies are filed, issues would be considered and decided on merits.

As informed by learned counsel for the appellants, the State has not yet filed replies in the writ petitions. We expect the State to expedite filing of the replies so that final arguments in the main petitions can be heard.

[RAJESH BINDAL]
JUDGE

30.05.2018
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[DEEPAK SIBAL]
JUDGE

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